BENGAL SECRETARIAT LIBRARY

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

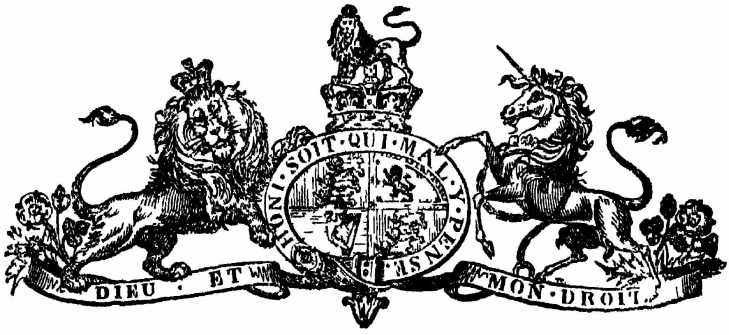
PASSED IN THE

Twenty-fifth and Twenty-sixth Years

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FOURTH SESSION of the EIGHTEENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN AND IRELAND.



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BENGAL SECRETARIAT LIBRARY.

A

TABLE

OF

All the STATUTES passed in the FOURTH Session of the EIGHTEENTH Parliament of the United Kingdom of GREAT BRITAIN AND IRELAND.

25° & 26° *VICT.*

BENGAL SECRETARIAT LIBRARY

PUBLIC GENERAL ACTS.

I. AN Act to apply the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-two.

II. An Act to apply the Sum of Eighteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two.

III. An Act to amend an Act, intituled *An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund;* and to repeal all Provisions by which Authority is given to the Commissioners of Her Majesty's Treasury to fund Exchequer Bills.

IV. An Act to enable Her Majesty to issue Commissions to the Officers of Her Majesty's Land Forces and Royal Marines, and to Adjutants and Quartermasters of Her Militia and Volunteer Forces, without affixing Her Royal Sign Manual thereto.

V. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VI. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

VII. An Act to provide for the Registration and Transfer of *India* Stocks at the Bank of *Ireland*, and for the mutual Transfer of such Stocks from and to the Banks of *England* and *Ireland* respectively.

VIII. An Act to prevent the Employment of Women and Children during the Night in certain Operations connected with Bleaching by the open-air Process.

IX. An Act to enable the Trustees of Sir *John Soane*'s Museum to send Works of Art to the International Exhibition, 1862.

X. An Act for continuing for a further limited Time, and for extending the Operation of Orders made under, "The Industrial Schools Act, 1861," and "The Industrial Schools (*Scotland*) Act, 1861."

XI. An Act to explain an Act, intituled *An Act for the better Government of Her Majesty's* Australian *Colonies.*

XII. An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two.

XIII. An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-two.

XIV. An Act to extend to the *Isle of Man* the Provisions of the Act Eighteenth and Nineteenth *Victoria,* Chapter Ninety, as to the Payment of Costs to and by the Crown.

XV. An Act to define the Powers of the President and Fellows of the King and Queen's College of Physicians in *Ireland* with respect to the Election of its Fellows.

XVI. An Act for extinguishing certain Rights of Way through the *Netley Hospital* Estate in the Parish of *Hound* in the County of *Southampton.*

XVII. An Act to extend the Time for making Enrolments under the Act passed in the last Session of Parliament, intituled *An Act to amend the Law relating to the Conveyance of Land for Charitable Uses,* and to explain and amend the said Act.

XVIII. An Act to amend the Law as to the whipping of Juvenile and other Offenders.

XIX. An Act to amend The General Pier and Harbour Act, 1861.

XX. An Act respecting the Issue of Writs of Habeas Corpus out of *England* into Her Majesty's Possessions Abroad.

XXI. An Act to amend the Law relating to the Transfer of Stocks and Annuities transferable at the Bank of *Ireland.*

XXII. An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to grant, alter, and repeal certain other Duties.

XXIII. An Act to amend "The Summary Procedure on Bills of Exchange (*Ireland*) Act (1861)."

XXIV. An Act to continue The Peace Preservation (*Ireland*) Act, 1856, as amended by the Act of the Twenty-third and Twenty-fourth Years of *Victoria,* Chapter One Hundred and thirty-eight.

XXV. An

XXV. An Act to confirm certain Provisional Orders under the Local Government Act, 1858, relating to the Districts of *Hanley*, *Stroud*, *Ilfracombe*, *Longton*, *Halifax*, *Ipswich*, and *Sandown*.

XXVI. An Act to extend the Power of making Statutes possessed by the University of *Oxford*, and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University.

XXVII. An Act to authorize Payments for a further Period out of the Revenues of *India* in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's *British* Forces serving in *India*.

XXVIII. An Act to alter and amend the Universities (*Scotland*) Act in so far as relates to the Bequest of the late Doctor *Alexander Murray* in the University of *Aberdeen*.

XXIX. An Act to amend and enlarge the Acts for the Improvement of Landed Property in *Ireland*.

XXX. An Act to amend an Act of the last Session for authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, and for other Purposes.

XXXI. An Act to apply the sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two.

XXXII. An Act to continue the Act of the Second and Third Years of *Victoria*, Chapter Seventy-four, for preventing the administering of unlawful Oaths in *Ireland*, as amended by an Act of the Eleventh and Twelfth Years of *Victoria*.

XXXIII. An Act for vesting in Her Majesty's Principal Secretary of State for the War Department the Lands of the Royal Military College at *Sandhurst*, and for completing certain Exchanges of Lands now or late of the said College.

XXXIV. An Act for the Discontinuance of *Portsdown* Fair in the County of *Southampton*.

XXXV. An Act to amend the Acts for the Regulation of Public Houses in *Scotland*.

XXXVI. An Act to appropriate certain Portions of Land lying between High and Low Water Mark, situate in the Parishes of *Shoebury* and *Wakering* in the County of *Essex*, as Ranges for the Use and Practice of Artillery.

XXXVII. An Act to remove Doubts concerning, and to amend the Law relating to, the private Estates of Her Majesty, Her Heirs and Successors.

XXXVIII. An Act to amend the Laws relating to the Sale of Spirits.

XXXIX. An Act for enabling the Commissioners of Her Majesty's Treasury to make Arrangements with the *Red Sea* and *India* Telegraph Company.

XL. An Act to carry into effect the Treaty between Her Majesty and the United States of *America* for the Suppression of the *African* Slave Trade.

XLI. An Act for amending "The Rifle Volunteer Grounds Act, 1860."

XLII. An Act to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of *Lancaster*.

XLIII. An Act to provide for the Education and Maintenance of Pauper Children in certain Schools and Institutions.

XLIV. An Act to amend the Law relating to the giving of Aid to discharged Prisoners.

XLV. An Act to amend "The *West Indian* Incumbered Estates Acts, 1854 and 1858."

XLVI. An Act for the better Regulation in certain Cases of the Procedure in the High Court of Chancery in *Ireland*.

XLVII. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

XLVIII. An Act respecting the Establishment and Government of Provinces in *New Zealand*, and to enable the Legislature of *New Zealand* to repeal the Seventy-third Section of an Act, intituled *An Act to grant a Representative Constitution to the Colony of* New Zealand.

XLIX. An Act to authorize the Completion, after His Royal Highness *Albert Edward* Prince of *Wales* shall attain the Age of Twenty-one Years, of Arrangements commenced during his Minority, under the Provisions of an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands; and for other Purposes.*

L. An Act to amend certain Provisions of the Acts of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Ninety-six, Ninety-seven, Ninety-nine, and One hundred, respectively, relating to Summary Jurisdiction in *Ireland*.

LI. An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, relating to *Carrickfergus*, *Deal*, *Oban*, *Saint Ives*, *Tobermory*, and *Hastings*.

LII. An Act to amend an Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty, to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in *England* belonging to Ecclesiastical Benefices.

LIII. An

LIII. An Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates.

LIV. An Act to make further Provision respecting Lunacy in *Scotland*.

LV. An Act for the Settlement of a Loan due from the Island of *Jamaica* to the Imperial Government.

LVI. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

LVII. An Act to authorize the Sale of Her Majesty's Bakehouse in *Peascod Street*, *Windsor*, and the Application of the Proceeds in the Purchase of Land or Buildings to be held with *Windsor Castle*.

LVIII. An Act to make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in *Scotland*.

LIX. An Act to render Owners of Dogs in *Ireland* liable for Injuries to Sheep.

LX. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

LXI. An Act for the better Management of Highways in *England*.

LXII. An Act to amend the Law relating to the Duration of contested Elections for Counties in *Ireland*, and for establishing additional Places for taking the Poll thereat.

LXIII. An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853."

LXIV. An Act for the better Protection of Her Majesty's Naval and Victualling Stores.

LXV. An Act for the more speedy Trial of certain Homicides committed by Persons subject to the Mutiny Act.

LXVI. An Act for the Safe-keeping of Petroleum.

LXVII. An Act for obtaining a Declaration of Title.

LXVIII. An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.

LXIX. An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes.

LXX. An Act for giving effect to a Convention between Her Majesty and the King of *Denmark* for the mutual Surrender of Criminals.

LXXI. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-two, and to appropriate the Supplies granted in this Session of Parliament.

LXXII. An

LXXII. An Act to continue certain Turnpike Acts in *Great Britain.*

LXXIII. An Act for continuing the Copyhold, Inclosure, and Tithe Commission, and entitling the Commissioners to Superannuation Allowance.

LXXIV. An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the "Public Offices Extension Act of 1859," by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act.

LXXV. An Act to revive and continue an Act for amending the Laws relating to Savings Banks in *Ireland.*

LXXVI. An Act to amend "The Weights and Measures (*Ireland*) Act, 1860;" to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold in *Ireland.*

LXXVII. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

LXXVIII. An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of creating a Central Arsenal.

LXXIX. An Act to amend the Law relating to Coal Mines.

LXXX. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXXXI. An Act to make perpetual *An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.*

LXXXII. An Act for the more economical Recovery of Poor Rates and other Local Rates and Taxes.

LXXXIII. An Act to amend the Laws in force for the Relief of the destitute Poor in *Ireland*, and to continue the Powers of the Commissioners.

LXXXIV. An Act to continue the Duties of Excise on Sugar made in the United Kingdom, and to amend the Laws relating to the Duties of Excise.

LXXXV. An Act to facilitate the Transmission of Moveable Property in *Scotland.*

LXXXVI. An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

LXXXVII. An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.

LXXXVIII. An

LXXXVIII. An Act to amend the Law relating to the fraudulent marking of Merchandise.

LXXXIX. An Act for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations.

XC. An Act for rectifying a clerical Error in the Act of the present Session, Chapter Forty, with respect to the *African* Slave Trade Treaty.

XCI. An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other Purposes.

XCII. An Act to limit the Time for proceeding to Elections in Counties and Boroughs in *Ireland.*

XCIII. An Act for embanking the North Side of the River *Thames* from *Westminster Bridge* to *Blackfriars Bridge*, and for making new Streets in and near thereto.

XCIV. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

XCV. An Act to amend the Law relating to Polling Places in the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury*, and *East Retford.*

XCVI. An Act to render tenable during good Behaviour the Office of the Officer of the Court of Common Pleas by whom the Certificates of Acknowledgment of Deeds of married Women are filed of Record.

XCVII. An Act to regulate and amend the Law respecting the Salmon Fisheries of *Scotland.*

XCVIII. An Act for the Amendment of an Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and of an Act amending the last-mentioned Act.

XCIX. An Act to amend the Bankruptcy Act (1861).

C. An Act to authorize Improvement Commissioners acting as Burial Boards to mortgage certain Rates for the Purposes of the Burial Acts.

CI. An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof.

CII. An Act to amend the Metropolis Local Management Acts.

CIII. An Act to amend the Law relating to Parochial Assessments in *England.*

CIV. An Act for the Discontinuance of the Queen's Prison, and Removal of the Prisoners to *Whitecross Street* Prison.

CV. An Act to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

CVI. An Act to amend the Law relating to the Appointment of County Surveyors in *Ireland.*

CVII. An Act to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto.

CVIII. An Act to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others.

CIX. An Act to continue the Corrupt Practices Prevention Act (1854).

CX. An Act to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein.

CXI. An Act to amend the Law relating to Lunatics.

CXII. An Act for establishing the Jurisdiction of the Charity Commissioners in certain Cases.

CXIII. An Act to amend the Law relating to the Removal of poor Persons from *England* to *Scotland*, and from *Scotland* to *England* and *Ireland.*

CXIV. An Act for the Prevention of Poaching.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for enabling the *Great Northern* Railway Company to acquire additional Land near *Doncaster*, and extending the Time for the Sale of their superfluous Lands.

ii. An Act to enable the *Woolwich, Plumstead, and Charlton* Consumers Gas Company to raise a further Sum of Money.

iii. An Act to amend "The *Norwich* Corporation Markets Act, 1860," and to authorize the Purchase of additional Lands; and for other Purposes.

iv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Ross* Turnpike Roads; and for other Purposes.

v. An Act to grant further Powers to the *Wycombe* Railway Company.

vi. An Act for extending the Term and amending the Provisions of the Acts relating to the *Folkestone* to *Barham Downs* Turnpike Road, in the County of *Kent*.

vii. An Act to authorize the *London and Blackwall* Railway Company to construct additional Works and take additional Lands for enlarging their Railway, and to confer further Powers upon the Company with reference to the raising of Capital; and for other Purposes.

viii. An Act to incorporate the Proprietors of Shares in the Undertaking called the *London, Tilbury, and Southend Extension* Railway, and to vest such Undertaking in the Company so incorporated; and for other Purposes.

ix. An Act to repeal the Act relating to the *Wareham* Turnpike Roads, and to make other Provisions in lieu thereof; and for other Purposes.

x. An Act to enable the *Faringdon* Railway Company to create Preference Shares; and for other Purposes.

xi. An Act for making better Provision for the Relief of the Poor of the Parishes of *Saint Michael* and the *Holy Trinity, Coventry*.

xii. An Act for the *Winchester* Road in the County of *Southampton*.

xiii. An

xiii. An Act to create a further Term in the *Cirencester* District of Turnpike Roads; to repeal, amend, and extend the Powers of the Act relating to the said Roads; and for other Purposes.

xiv. An Act to authorize the *Much Wenlock and Severn Junction* Railway Company to raise further Sums of Money, and to subscribe an additional Sum to the *Wenlock* Railway; and for other Purposes.

xv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Second District of the *Bridport* Turnpike Roads in the County of *Dorset*, and to make other Provisions in lieu thereof.

xvi. An Act to amend some of the Provisions of the Deed of Settlement of "The *British* Plate Glass Company," and to confirm a Lease granted by, and to confer further Powers upon that Company.

xvii. An Act for rendering valid certain Letters Patent granted to *Thomas Webb*, of *Tutbury* in the County of *Derby*, Cotton Spinner, and *James Craig*, of the same Place, Manager.

xviii. An Act for the better supplying of the Borough of *Bradford* and Places near thereto with Water, and for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Bradford*, in order thereto, to raise further Monies; and for other Purposes.

xix. An Act to incorporate the *Heckmondwike* Gas Company, with Powers to manufacture and supply Gas within the Townships of *Heckmondwike* and *Liversedge* in the Parish of *Birstal* in the West Riding of the County of *York*; and for other Purposes.

xx. An Act for transferring from the Grand Jury of the County of *Cork* to the Commissioners of *Queenstown* the Management of the Roads and Bridges in the said Town, and for improving the said Town.

xxi. An Act to authorize the *Bristol and Exeter* Railway Company to subscribe a further Sum of Money to the *Chard and Taunton* Railway; and for other Purposes.

xxii. An Act for authorizing the *East London* Waterworks Company to raise further Monies, and for regulating their Capital and Borrowing Powers; and for other Purposes.

xxiii. An Act to enable the *Limerick* Market Trustees to borrow further Sums; and to amend "The *Limerick* Markets Act, 1852."

xxiv. An Act to enable Her Majesty's Paymaster General to repay to the *North Devon* Railway and Dock Company a Sum of Three thousand Pounds.

xxv. An Act for extending the Improvement of the District of *Rathmines* so as to include therein *Rathgar* and *Sallymount*, all in the County of *Dublin*.

xxvi. An Act to enable the Local Board of the District of *Tranmere* in the County of *Chester* to make new Roads and Sewers; and for other Purposes.

xxvii. An

xxvii. An Act for the building of a new Market House in the Borough of *South Molton*; for the regulating of Markets and Fairs in the Borough; for the Improvement in other respects of the Borough; and for other Purposes.

xxviii. An Act to enable "The *Leeds* New Gas Company" to raise additional Capital, to extend their Limits for supplying Gas, and for other Purposes.

xxix. An Act for making a Pier and Harbour at *Brean Down* on the *Bristol Channel*, and for other Purposes.

xxx. An Act to repeal and consolidate the Acts relating to the *Bristol* Waterworks Company; to empower the Company to make fresh Works; and for other Purposes.

xxxi. An Act for the Preservation and Improvement of the Pier and Harbour of *Berwick-upon-Tweed*.

xxxii. An Act for enabling the Local Board of Health for the District of the Township of *Barnsley* in the West Riding of the County of *York* to construct and maintain an improved System of Waterworks to supply the District and other Places with Water, and to abandon and sell their existing Waterworks; to confer Powers on Park Keepers and Constables; to amend the Acts relating to the District; and for other Purposes.

xxxiii. An Act for granting further Powers for better supplying with Water the Town of *Falmouth*, and certain Places adjacent or near thereto.

xxxiv. An Act to authorize the *Tendring Hundred* Railway Company to extend their Railway in *Colchester*.

xxxv. An Act to authorize the *Dundee and Perth and Aberdeen* Railway Junction Company to raise further Money for the Purposes of their Undertaking and of the *Dundee and Newtyle* Railway; and to amend their Acts.

xxxvi. An Act to enable the *Uxbridge and Rickmansworth* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.

xxxvii. An Act for the Improvement and Lighting of a Portion of the Township of *Bollington* in the Parish of *Prestbury* in the County Palatine of *Chester*.

xxxviii. An Act to extend and define the Powers of the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin* in respect to the extinguishing of Fires, and the Protection of Life and Property against Fire; and for other Purposes.

xxxix. An Act to enable the *Dublin and Meath* Railway Company to raise additional Capital; and for other Purposes.

xl. An Act to authorize a Deviation of Part of the authorized Line of the *Frosterly and Stanhope* Railway, to construct a new Branch and other Works, to abandon Portions of authorized Line and Approach to *Stanhope*, to raise additional Capital, amend and repeal Acts; and for other Purposes.

xli. An Act for the further Improvement of the Borough of *Halifax*, and for other Purposes.

xlii. An Act for authorizing the *London and South-western* Railway Company to make and maintain additional Works, and for authorizing the Transfer to them of the *Wimbledon and Dorking* Railway, and for making Arrangements respecting their Capital; and for other Purposes.

xliii. An Act to enable the *Dundee* Water Company to raise further Money, and to execute additional Works.

xliv. An Act for authorizing the Company of Proprietors of the *Kent* Waterworks to raise further Monies; and for regulating their Capital and Borrowing Powers.

xlv. An Act to enable the *Carlisle and Silloth Bay* Railway and Dock Company to raise additional Capital by Preference Shares and otherwise, and for other Purposes.

xlvi. An Act to authorize the Construction of a Railway in the County of *Middlesex*, from the *Great Northern* Railway, through *Highgate*, *Finchley*, and *Hendon*, to *Edgware*.

xlvii. An Act to authorize a Lease of the Undertaking of the *Carlisle and Silloth Bay* Railway and Dock Company to the *North British* Railway Company; and for other Purposes.

xlviii. An Act to authorize a Lease of the Undertaking of the *Port Carlisle* Dock and Railway Company to the *North British* Railway Company; and for other Purposes.

xlix. An Act to authorize the *North British* Railway Company to make certain Railways from their Main Line in the Parish of *Inveresk* to the Farm Steading of *Smeaton*, and thence to near *Macmerry* and to their *Hawick* Line at *Hardengreen*; and for other Purposes.

l. An Act for incorporating the Members of the Institution known as "The Asylum for the Education of the Deaf and Dumb Children of "the Poor," and for enabling them the better to carry on their charitable Designs.

li. An Act for making a Railway from the *Peebles* Railway at the *Leadburn* Station to the Parish of *Linton* in the County of *Peebles*.

lii. An Act for a further Supply of Water to the Town and Neighbourhood of *Leeds* from the River *Wharfe*, and for other Purposes.

liii. An Act to consolidate and amend the Acts relating to the Maintenance and Repair of the Roads, Streets, and Bridges within the District of the City of *Edinburgh*, and the Assessments payable in respect thereof; and for other Purposes.

liv. An Act for authorizing the *Stockton and Darlington* Railway Company to make and maintain new Lines of Railway and other Works in the County of *Durham*; and for other Purposes.

lv. An

lv. An Act to authorize the making of a Railway from *Daventry* in the County of *Northampton*, to the *London and North-western* Railway near *Weedon* in the same County, and for other Purposes.

lvi. An Act to confer upon the *Tewkesbury and Malvern* Railway Company further Powers for the Completion of their Railway; and for other Purposes.

lvii. An Act to authorize the Relinquishment of the Street and Railway authorized by "The *London* Railway Depôt and Storehouses Act, 1860," and for other Purposes.

lviii. An Act to authorize the *Metropolitan* Railway Company to acquire certain additional Lands and execute further Works for the Purposes of their Undertaking; to confer further Powers upon the Company with reference to the raising of Capital; to authorize further Agreements with other Companies; and for other Purposes.

lix. An Act to repeal the Act relating to the *New Chappel, Lindfield, and Brighton*, and *Ditcheling and Clayton* Roads, and to make other Provisions in lieu thereof.

lx. An Act to enable the *Denbigh, Ruthin, and Corwen* Railway Company to create Preference Capital.

lxi. An Act for the making and maintaining of a Bridge over the River *Wyre* (to be called "*Shard Bridge*"), with Roads thereto, and for other Purposes.

lxii. An Act for granting further Powers to the *Great North of Scotland* Railway Company.

lxiii. An Act to amend the *Bradford, Wakefield, and Leeds* Railway Act, 1860, and to make further Provision as to Purchase of Land and Completion of Works on *Ossett* Branch.

lxiv. An Act to enable the *Scottish North-eastern* Railway Company to raise additional Capital, to make a Deviation in their Railway, and execute other Works, and purchase additional Lands; to amend the Acts relating to the Company; and for other Purposes.

lxv. An Act for repairing and maintaining the Road from the Borough of *Bolton* to the Borough of *Blackburn*, and a Branch Road connected therewith, in the County Palatine of *Lancaster*.

lxvi. An Act to authorize the Lease of the *Cromford and High Peak* Railway to the *London and North-western* Railway Company, and to make certain Arrangements with reference to the Capital of the *Cromford and High Peak* Railway Company; and for other Purposes.

lxvii. An Act for the Incorporation of a Company for making a Railway from *Kington* to *Eardisley*, with a Branch therefrom; and for vesting in such Company a Tramroad called "the *Kington* Railway," and enabling them to appropriate Portions of such Tramroad for the Purposes of their Undertaking; and for other Purposes.

lxviii. An

lxviii. An Act to enable the *London, Brighton, and South Coast* Railway Company to enlarge their Stations at *London Bridge* and the *Bricklayers Arms*, and to alter certain Roads, Streets, and Bridges; and for other Purposes.

lxix. An Act for making a Railway from the *Cornwall* Railway near *Lostwithiel* to *Fowey* in the County of *Cornwall*, and for other Purposes.

lxx. An Act for vesting the disused Burial Ground of the Parish of *Saint Giles in the Fields*, and other Lands connected therewith, in the Rector as Glebe, and providing for the Maintenance of the disused Burial Ground; and for other Purposes.

lxxi. An Act to authorize the Construction of a Railway from *Weymouth* to the *Isle of Portland*, and to extend the *Wilts, Somerset, and Weymouth* Railway to the Harbour.

lxxii. An Act for supplying with Gas the Township of *Stretford* and adjacent Places in the County of *Lancaster*, and the Township of *Sale* and adjacent Places in the County of *Chester*; and for other Purposes.

lxxiii. An Act for supplying with Gas the Townships of *Undermillbeck*, *Applethwaite*, and *Troutbeck*, in the Parish of *Windermere* in the County of *Westmoreland*.

lxxiv. An Act to enable the *Great Britain* Mutual Life Assurance Society to sue and be sued; and to confer further Powers on the Society.

lxxv. An Act to confer further Powers on the *Newry and Armagh* Railway Company.

lxxvi. An Act for incorporating the *Tyne General* Ferry Company, and for authorizing them to establish, make, and maintain Ferries on, along, and across the River *Tyne*, and Landing Places and other Works; and for other Purposes.

lxxvii. An Act for erecting a Bridge across the River *Hull* or *Old Harbour*, with Approaches and other Works connected therewith, all in the Town and County of the Town of *Kingston-upon-Hull*.

lxxviii. An Act to authorize the *London, Brighton, and South Coast* Railway Company to make certain new Lines of Railway in the Counties of *Surrey* and *Sussex*; and for other Purposes.

lxxix. An Act for making a Railway from the *Scottish North-eastern* Railway near *Limpet Mill* to the *Great North of Scotland* Railway at *Kintore*, with Branches to the *Deeside* Railway at *Peterculter*; and for other Purposes.

lxxx. An Act to enable the *Maryport and Carlisle* Railway Company to construct Branch Railways to *Bolton* and *Wigton*, to improve their Station Accommodation at *Wigton*, to purchase additional Lands at *Wigton* and *Aiklank*, to raise further Monies; and for other Purposes.

lxxxi. An

lxxxi. An Act for enabling the *Midland* Railway Company to construct new Railways and Works, and to acquire additional Lands in the Counties of *Derby*, *Leicester*, *Warwick*, *Bedford*, *Worcester*, *Gloucester*, and *Middlesex*; and for other Purposes.

lxxxii. An Act for making and maintaining a Harbour, Piers, and other Works at *Ventnor* in the *Isle of Wight*, and for other Purposes.

lxxxiii. An Act for incorporating a Company, under the Title of "The *Caterham* Spring Water Company," for better supplying with Water the Inhabitants of *Caterham* and the Neighbourhood thereof.

lxxxiv. An Act for the Amalgamation of the *Reading Union* Gas Company and the *Reading* Gaslight Company; and for incorporating the *Reading* Gas Company; and for making further Provision for the supplying of the Borough of *Reading* and the Neighbourhood thereof with Gas; and for other Purposes.

lxxxv. An Act to enable the *North-eastern* Railway Company to construct Branch Railways from *Market Weighton* to *Beverley* and at *Hull*, to raise additional Capital; and for other Purposes.

lxxxvi. An Act for making a Railway from the *Great Northern* Railway at *Hatfield* to the *London and North-western* Railway at *Saint Albans*; and for other Purposes.

lxxxvii. An Act for granting further Powers to the *Alford Valley* Railway Company.

lxxxviii. An Act to enable the *Deeside* Railway Company to raise additional Capital for their original Railway; to maintain certain Portions of their Extension Railway constructed beyond the authorized Limits; and for other Purposes.

lxxxix. An Act to enable the *Furness* Railway Company to make a Branch Railway to *Hawcoat Quarry*; to vest in the said Company the Undertaking of the *Ulverstone* Canal Navigation; and to enable them to raise additional Capital; and for other Purposes.

xc. An Act for making a Railway in the West Riding of the County of *York*, to be called "The *Keighley and Worth Valley* Railway;" and for other Purposes.

xci. An Act for the Construction by the *Midland* Railway Company of new Railways in connexion with their *Rowsley and Buxton* Line, and for the Abandonment of Part of the authorized *Manchester, Sheffield, and Lincolnshire* Railway; for authorizing the Use by the *Manchester, Sheffield, and Lincolnshire* Railway Company of Parts of the intended Railways; and for other Purposes.

xcii. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to deviate and extend the authorized Line of their *Batley* Branch Railway in the West Riding of the County of *York*; and for other Purposes.

xciii. An Act to enable the *Vale of Clwyd* Railway Company to extend their Railway to the North-west Shore of the River *Clwyd* at *Foryd*; to divert a Portion of the Line of their present Railway; and for other Purposes.

xciv. An Act to authorize the Construction of Railways within the Town of *Burton-upon-Trent*, and for other Purposes.

xcv. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to make and maintain Deviations in the Line and Levels of their Railway; and for other Purposes.

xcvi. An Act to enable the *South-eastern* Railway Company to make Railways to *Tunbridge* and *Dartford* respectively, and to widen a Portion of their *North Kent* Line of Railway, and to purchase additional Lands for the Purposes of their Undertaking; and for other Purposes.

xcvii. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to *Shawforth* and other Works; to purchase additional Lands; and for other Purposes.

xcviii. An Act for vesting the *Oldham, Ashton-under-Lyne, and Guide Bridge Junction* Railway in the *Manchester, Sheffield, and Lincolnshire*, and the *London and North-western* Railway Companies; and for other Purposes.

xcix. An Act to make better Provision for supplying with Water the Town and Township of *Wakefield*, and the Townships of *Alverthorpe-with-Thornes, Stanley-cum-Wrenthorpe*, and *Sandal Magna*, and for other Purposes.

c. An Act for making a Railway from *Kingston-upon-Hull* to *Hornsea*.

ci. An Act for dissolving the *Ceylon* Railway Company, and for other Purposes connected therewith.

cii. An Act for authorizing "The *North British* Insurance Company" to increase their Capital Stock; and for other Purposes.

ciii. An Act to continue the *Ashborne and Belper* Turnpike Trust in the County of *Derby*; and for other Purposes.

civ. An Act to define the Powers of the *London and North-western and Chester and Holyhead* Railway Companies for raising Money; and for other Purposes.

cv. An Act for the *Red House* and *Weeland* Roads in the West Riding of the County of *York*.

cvi. An Act for the Amalgamation of the *South Durham and Lancashire Union* and *Eden Valley* Railway Companies with the *Stockton and Darlington* Railway Company; for the Transfer to the last-named Company of the *Frosterly and Stanhope* Railway; and for other Purposes.

cvii. An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to construct additional Reservoirs and other Works; to alter the Charges for the Supply of Water within the Limits of their District, and to make other Rates and Charges in respect of such Supply; and for other Purposes.

cviii. An Act to provide for the leasing of the *Banbridge, Lisburn, and Belfast* Railway to the *Ulster* Railway Company.

cix. An

cix. An Act to authorize the Construction of a Railway from *Bala* to *Dolgelly* in the County of *Merioneth*; and for other Purposes.

cx. An Act for making a Railway from *Corwen* to *Balà*, and for other Purposes.

cxi. An Act for incorporating a Company for making a Railway in the Counties of *Devon* and *Cornwall*, to be called "The *Launceston and South Devon* Railway;" and for other Purposes.

cxii. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a new Railway in the County of *Chester*, to be called "The *Manchester, Sheffield, and Lincolnshire* (*Godley* and *Woodley* Branch) Railway;" and for other Purposes.

cxiii. An Act to authorize the Consolidation into One Undertaking of the *Inverness and Ross-shire* and *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong.

cxiv. An Act to authorize the *Enniskillen and Bundoran* Railway Company to extend their Railway to the *Midland Great Western* Railway of *Ireland* at *Sligo*; to change the Name of the Company; and for other Purposes.

cxv. An Act to enable the *Llynvi Valley* Railway Company to increase their Capital; and for other Purposes.

cxvi. An Act for the making and maintaining of a Bridge over the River *Trent* near to the Town of *Nottingham* (to be called "*Wilford Bridge*"), with Roads thereto, and for the discontinuing of *Wilford Ferry* across the River, and for other Purposes.

cxvii. An Act to repeal an Act passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and maintaining the Turnpike Road from and out of the Road leading from* Quebec *in* Leeds *to* Homefield Lane End *in* Wortley, *to communicate with the Road leading from* Huddersfield *to* Birstal, *at the* "Coach and Horses" *Public House in* Birstal *in the West Riding of the County of* York, and granting more effectual Powers in lieu thereof.

cxviii. An Act to enable the *Eden Valley* Railway Company to construct certain Extension and Branch Railways: to use Portions of other Railways; to raise additional Capital; and for other Purposes.

cxix. An Act for the *Rotherham* and *Wortley* Turnpike Road in the West Riding of the County of *York*.

cxx. An Act for dissolving the *Hull and Holderness* Railway Company, and vesting its Undertaking in and uniting its Shareholders with those of the *North-eastern* Railway Company; and for other Purposes.

cxxi. An Act for making a Railway from *Johnstone* to *Bridge of Weir* in the County of *Renfrew*, with Branches, and for other Purposes.

cxxii. An Act to dissolve the present Body of the *Wexford* Harbour Commissioners, and to appoint new Commissioners, and for other Purposes.

cxxiii. An

cxxiii. An Act for conferring further Powers for the good Government of the Borough of *Cardiff;* and for other Purposes.

cxxiv. An Act to authorize the Abandonment of a Portion of the *Garston and Liverpool* Railway; and for other Purposes.

cxxv. An Act for better supplying with Water the Gaol and House of Correction at *Maidstone* in and for the County of *Kent*, and the Lunatic Asylum at *Barming Heath* in and for the said County; and for other Purposes.

cxxvi. An Act to amend the Acts now in force for the Protection of Property in the Borough of *Liverpool* from Fire.

cxxvii. An Act for enabling the *Great-western* Railway Company to construct Railways, and to acquire additional Lands in the Counties of *Stafford* and *Warwick;* and for other Purposes.

cxxviii. An Act for incorporating a Company for making a Railway in the County of *Devon*, to be called "The *Moretonhampstead and South Devon* Railway;" and for other Purposes.

cxxix. An Act to authorize the *South Yorkshire* Railway and River *Dun* Company, and the *Manchester, Sheffield, and Lincolnshire* Railway Company to contribute Funds towards and to acquire the Undertaking of the *Trent, Alcholme, and Grimsby* Railway Company.

cxxx. An Act to amend "The *Wem and Bronygarth* Roads Act, 1860," and to confer further Powers in relation to the said Roads.

cxxxi. An Act to enable the *United Kingdom* Electric Telegraph Company (Limited) to carry on the Works and Business of an Electric Telegraph Company.

cxxxii. An Act for extending the Period limited for the Completion of a Portion of the Railway of the *Dartmouth and Torbay* Railway Company, and for authorizing them to raise a further Sum of Money; and for other Purposes.

cxxxiii. An Act to authorize the Amalgamation of the *Coniston* Railway Company with the *Furness* Railway Company, and for other Purposes.

cxxxiv. An Act to repeal the Act "for repealing Two Acts for repairing "the Road from *Little Sheffield* in the County of *York* to *Sparrow Pit* "Gate in the County of *Derby*, and also an Act for making a Road "from *Banner Cross* in the West Riding of the County of *York* to "*Fox House* in the County of *Derby*, and for consolidating the Trusts "of certain Roads mentioned in the said Acts, and for amending and "making certain other Roads to communicate therewith, and for other "Purposes;" and to make other Provisions in lieu thereof.

cxxxv. An Act to amalgamate the *Caledonian and Dumbartonshire Junction* Railway Company with the *Edinburgh and Glasgow* Railway Company.

cxxxvi. An Act to enable the *Caledonian* Railway Company to make certain Deviations of their authorized Lines of Railway called the "*Cleland* Branch Extension" and the "*Omoa* Branch," in the County of *Lanark;* and for other Purposes.

cxxxvii. An

cxxxvii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from their *Granton* Branch to *Leith*, with a connecting Branch therefrom; and for other Purposes.

cxxxviii. An Act to amalgamate the *Glasgow, Dumbarton, and Helensburgh* Railway Company with the *Edinburgh and Glasgow* Railway Company.

cxxxix. An Act for changing the Name of the *Dundalk and Enniskillen* Railway Company to the Name "The *Irish North-western* Railway Company;" and for authorizing them to make and maintain an additional Line of Railway and other Works; and to make Arrangements with other Companies and Public Bodies; and to raise further Monies; and for other Purposes.

cxl. An Act to incorporate the Participants of the Level of *Hatfield Chase;* to authorize the Construction of additional Works of Drainage in the said Level; and to subject certain Lands therein to Taxation.

cxli. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to make Railways near *Sheffield* and *Thorne*, and to exercise other Powers.

cxlii. An Act for making a Railway from the *Hawick* Branch of the *North British* Railway near *Newtown Saint Boswells* to *Dunse*.

cxliii. An Act for making a Railway from *Bishops Waltham* to *Botley*.

cxliv. An Act for effecting Railway Communication from the *Metropolitan* Extension of the *London, Chatham, and Dover* Railway to the *Crystal Palace* at *Sydenham*.

cxlv. An Act for the Amalgamation of the Undertaking of the *Newcastle-upon-Tyne and Carlisle* Railway Company with the Undertaking of the *North-eastern* Railway Company; and for other Purposes.

cxlvi. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway between *Blaydon* and *Conside*, with Branches therefrom; to acquire additional Lands, and for other Purposes.

cxlvii. An Act for more effectually repairing certain Roads called "The *Tupton and Ashover* Road," and "The *Birkin Lane* Road," in the County of *Derby*.

cxlviii. An Act to authorize the Construction of a Railway from *Hooton* to *Parkgate*, in connexion with the existing *Birkenhead* Railway, and for other Purposes.

cxlix. An Act to enable the *Bristol and South Wales Union* Railway Company to construct a Branch Railway to communicate with a Pier and other Works at the Mouth of the River *Avon;* and to authorize certain Arrangements with the Mayor, Aldermen, and Burgesses of the City and County of *Bristol* with reference thereto.

cl. An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, "for consolidating the Trusts of the several "Turnpike Roads in the Neighbourhood of *Cheadle*, in the County of "*Stafford*, and for making Deviations and new Branches to and from "the same;" and to make other Provisions in lieu thereof.

cli. An Act for making a Railway from *Horsham* to *Dorking*, and for other Purposes.

clii. An Act for making Railways from the *London and South-western* Railway to *Hampton* and *Shepperton* in the County of *Middlesex*.

cliii. An Act to authorize the *Mid Kent* Railway Company to make a Railway from the *Mid Kent* Railway to *Addiscombe;* and for other Purposes.

cliv. An Act to enable the *North-eastern* Railway Company to construct the *Team Valley* and other Branch Railways in the County of *Durham;* and for other Purposes.

clv. An Act for providing and constructing an improved Cattle Market, Market Places, and Slaughterhouses, with all necessary Approaches and Conveniences, within the Parish of *Saint Thomas* in the County of the City of *Dublin*.

clvi. An Act to enable the *Mid Wales* Railway Company to alter the Line and Levels of their Railway, and to make a Junction between the *Mid Wales* and the *Central Wales* (*Extension*) Railways; and to amend the Acts relating to the said Company; and for other Purposes.

clvii. An Act to alter the Constitution of the Parochial Board of the *Barony* Parish of *Glasgow* in the County of *Lanark*.

clviii. An Act for making a Railway from the *Sutton* Station of the *Croydon and Epsom* Branch of the *London, Brighton, and South Coast* Railway to *Banstead* and *Epsom Downs* in the County of *Surrey*.

clix. An Act for making a Railway from the Port of *Bristol* to the Old Channel at the Mouth of the River *Avon*, together with a Pier in the said River, and for other Purposes.

clx. An Act for making a Railway from the *Glasgow, Paisley, and Greenock* Railway to *Wemyss Bay* in the County of *Renfrew*, and a Pier and Roads in connexion therewith; and for other Purposes.

clxi. An Act for authorizing the *Llanelly* Railway and Dock Company to make and maintain new Lines of Railway by way of Deviation of their authorized *Swansea* Lines and *Carmarthen* Line and other Works, and to make Arrangements with other Companies, and to raise further Capital, and to make Provision for laying down Narrow Gauge Rails on the *Carmarthen and Cardigan* Railway; and for other Purposes.

clxii. An Act for authorizing the *Llanidloes and Newtown* Railway Company to make and maintain a Line of Railway for the joint Use of the *Mid Wales* Railway Company and the *Manchester and Milford* Railway Company, and a Station at *Llanidloes* for the joint Use of the Three Companies, and to raise further Monies; and for other Purposes.

clxiii. An Act to authorize the Extension of the *London, Chatham, and Dover* Railway to *Walmer* and *Deal*, and for other Purposes.

clxiv. An

clxiv. An Act to amend the Acts relating to the *Nene Valley* Drainage and Navigation Improvement; and to make Provision for the Discharge of the Debts and Liabilities of the Commissioners in the Third District of Drainage, and for the Separation of the Districts; and for other Purposes.

clxv. An Act for making a Railway from the *North Devon* Railway in the Parish of *Colebrook* in the County of *Devon* to *Okehampton* in the same County; and for other Purposes.

clxvi. An Act for authorizing the Construction of Railways from the *Sevenoaks* Railway to *Maidstone* and *Tunbridge*, and to join existing Railways at *Tunbridge*, all in *Kent;* and for other Purposes.

clxvii. An Act to enable the *Swansea* Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking; and to authorize a Lease or Leases of the *Swansea* Harbour Railway and certain Wharves in *Swansea* Harbour to the *Vale of Neath* Railway Company; and to authorize the laying down of additional Rails for the Narrow Gauge on that Railway.

clxviii. An Act to authorize the *West Midland* Railway Company to construct additional Works, and to raise further Sums of Money; to provide Facilities for the Passage of their Traffic to *Newport* in the County of *Monmouth;* to regulate their Powers of raising Money in respect of certain other Undertakings; and for other Purposes.

clxix. An Act for constructing and maintaining a Pier at *Weston-super-Mare* in the County of *Somerset.*

clxx. An Act to facilitate Arrangements by the *Londonderry and Coleraine* Railway Company with their Creditors; and for other Purposes.

clxxi. An Act for making Railways from *Rickmansworth* in the County of *Hertford* to *Amersham* and *Chesham* in the County of *Buckingham;* and for other Purposes.

clxxii. An Act to enable the *Carmarthen and Cardigan* Railway Company to extend their Railway from *Llangeller* to *Newcastle-Emlyn*, and to raise further Monies.

clxxiii. An Act for making a Railway from *Kettering* to *Thrapstone* in the County of *Northampton;* and for other Purposes.

clxxiv. An Act to improve the Western Approach to the Metropolitan Meat and Poultry Market, and to authorize the raising of additional Money.

clxxv. An Act for making a Railway from *Stafford* in the County of *Stafford* to *Uttoxeter* in the same County; and for other Purposes.

clxxvi. An Act for authorizing the *Aberystwith and Welsh Coast* Railway Company to make and maintain additional Lines of Railway, and to reclaim Lands near to their Lines of Railway, and to raise further Monies; and for other Purposes.

clxxvii. An Act for conferring further Powers upon the *Andover and Redbridge* Railway Company.

clxxviii. An

clxxviii. An Act for authorizing Agreements between the *Briton Ferry* Dock and Railway Company and other Companies, and a Lease of Part of their Wharfs and for altering Rates payable to the *Neath* Harbour Commissioners; and for authorizing the *Briton Ferry* Dock and Railway Company to raise further Capital; and for other Purposes.

clxxix. An Act for making Railways from *Cowbridge* in the County of *Glamorgan* to join the *Llantrissant and Taff Vale Junction* Railway and the *South Wales* Railway; and for other Purposes.

clxxx. An Act to authorize the *British* Fisheries Society to construct Piers or Breakwaters, and other Works in connexion with *Pulteney* Harbour, and to amend the Act relating thereto.

clxxxi. An Act to amalgamate the *Fife and Kinross* Railway Company with the *Edinburgh, Perth, and Dundee* Railway Company.

clxxxii. An Act for authorizing the *Vale of Neath* Railway Company to lay down Rails for the Narrow Gauge as well as the Broad Gauge on the *Vale of Neath* Railway, and to raise further Monies; and for other Purposes.

clxxxiii. An Act to authorize an Alteration of the Terms of the Lease of the *Severn Valley* Railway to the *West Midland* Railway Company; and for other Purposes.

clxxxiv. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make new Railways, and for other Purposes.

clxxxv. An Act for making a Railway in the County of *Salop*, to be called "The *West Shropshire Mineral* Railway;" and for other Purposes.

clxxxvi. An Act for incorporating "The *Brecon Markets* Company," and for vesting in them, and authorizing them to maintain and regulate, the Markets and Fairs in *Brecon*, and other Property of the Mayor, Aldermen, and Burgesses of the Borough of *Brecon;* and for providing for the Discharge of Liabilities of the Mayor, Aldermen, and Burgesses; and for other Purposes.

clxxxvii. An Act to confer Powers upon the *Eastern Counties* Railway Company with respect to the *Epping* Railways; and for other Purposes.

clxxxviii. An Act to separate the *Middle Level* from the *Bedford Level* Corporation; to transfer the Powers and Duties of the *Nene* Navigation Commissioners to the *Middle Level* Commissioners, and to provide for Payment of the Debt secured on the Navigation Tolls; to repeal the Barrier Banks Acts; to amend the *Middle Level* Acts, and to incorporate the *Middle Level* Commissioners; to amend and enlarge the Powers of Commissioners acting under District Acts in the *Middle Level;* and for other Purposes.

clxxxix. An Act for amalgamating the *North British* Railway and the *Edinburgh, Perth, and Dundee* Railway and the *West of Fife* Railway and Harbour Companies, and for other Purposes.

cxc. An

cxc. An Act for authorizing the *West Cheshire* Railway Company to make and maintain additional Lines of Railway and other Works, and to raise further Monies; and for other Purposes.

cxci. An Act for authorizing the *Waterford and Limerick* Railway Company to divert their Tramway in the City of *Limerick*, and to work or lease the Undertaking of the *Limerick and Ennis* Railway Company.

cxcii. An Act to authorize the *London, Chatham, and Dover* Railway Company to construct additional Works and acquire additional Land in *Kent* and *Surrey;* and for other Purposes connected with their Undertakings.

cxciii. An Act to authorize the Construction of a Railway in the Counties of *Glamorgan* and *Brecon*, to be called "The *Dulas Valley Mineral* Railway," and for other Purposes.

cxciv. An Act for making a Railway to connect the *South Staffordshire* Railway with the *Cannock Chase* Railway in the County of *Stafford*, and for other Purposes.

cxcv. An Act to enable the *Eastern Union* Railway Company to make certain Arrangements concerning their Capital, and to subscribe to the *Waveney Valley* Railway.

cxcvi. An Act for transferring the *Hereford, Ross, and Gloucester* Railway and for leasing the *Ely Valley* Railway to the *Great Western* Railway Company, and for other Purposes.

cxcvii. An Act to empower the *Kent Coast* Railway Company to construct Railways or Tramways at *Ramsgate*, and to raise further Money; and for other Purposes.

cxcviii. An Act to enable the *Shrewsbury and Hereford* Railway Company to lease their Undertaking, to acquire additional Lands; and for other Purposes.

cxcix. An Act for making a Railway, to be called "The *Spalding and Bourn* Railway," and for other Purposes.

cc. An Act for making a Railway, to be called "The *Tottenham and Hampstead Junction* Railway," and for other Purposes.

cci. An Act to enable the *Great Northern and Western* (*of Ireland*) Railway Company to make a Railway to *Ballina;* and for other Purposes.

ccii. An Act for making a Railway from *Carnarvon* to *Port Madoc* in the County of *Carnarvon*.

cciii. An Act for paving, cleansing, lighting, watching, draining, and improving the City of *Aberdeen* and adjacent Districts, for regulating the Police thereof, for supplying the Inhabitants with Water, and for other Purposes.

cciv. An Act to consolidate and amend the Acts relating to the Police and Statute Labour of the City of *Glasgow*, and for other Purposes.

ccv. An Act for consolidating and amending the Acts relating to the Corporation of *Salford;* for extending their Powers; and for other Purposes.

ccvi. An Act for incorporating a Company; and for making and maintaining the *East Gloucestershire* Railway; and for other Purposes.

ccvii. An Act for making a Railway, to be called "The *East Grinstead, Groombridge, and Tunbridge Wells* Railway," and for other Purposes.

ccviii. An Act for conferring additional Powers on the *London and North-western* Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for authorizing a Deviation in the Line of the *South Leicestershire* Railway; and for other Purposes.

ccix. An Act to enable the *Merthyr, Tredegar, and Abergavenny* Railway Company to lease their Railway.

ccx. An Act for enabling the *Mid-Sussex and Midhurst Junction* Railway Company to extend the Time for completing their Railway; to sell or lease their Undertaking to the *London, Brighton, and South Coast* Railway Company; and for other Purposes.

ccxi. An Act to authorize the Construction of a Railway from the *Bradford, Wakefield, and Leeds* Railway at *Wakefield* to the *South Yorkshire* Railway at *Barnby-upon-Don*, and of certain Branch Railways, to be called "The *West Riding and Grimsby* Railway."

ccxii. An Act for incorporating the *Dovey* Reclamation Company; and for authorizing them to reclaim Land in the Estuary of the River *Dovey*; and for authorizing Arrangements between them and the *Aberystwith and Welsh Coast* Railway Company; and for other Purposes.

ccxiii. An Act for extending the Time for the Purchase of Lands and the Completion of the Works authorized by "The *Dagenham* (*Thames*) Dock Act, 1855," and for other Purposes.

ccxiv. An Act for authorizing the *Redditch* Railway Company to raise further Monies; and for other Purposes.

ccxv. An Act to extend the Time for making the Railway of the *Kensington* Station and *North and South London Junction* Railway Company; and for other Purposes.

ccxvi. An Act for authorizing the *Abingdon* Railway Company to raise further Monies; and for other Purposes.

ccxvii. An Act for making a Railway from the *Waterford and Tramore* Railway near the City of *Waterford* to the Town of *Passage* in the County of *Waterford.*

ccxviii. An Act for authorizing an Extension of the *Oswestry, Ellesmere, and Whitchurch* Railway, and for other Purposes.

ccxix. An Act to authorize the Construction of a Railway in the County of *Down* from the *Downpatrick and Newry* Railway to *Newcastle.*

ccxx. An

ccxx. An Act for amending "The *Charing Cross* Railway (City Terminus) Act, 1861."

ccxxi. An Act for incorporating a Company for making and maintaining the *Wrexham, Mold, and Connah's Quay Junction* Railway; and for other Purposes.

ccxxii. An Act to protect the Waters of the *Mersey* and the *Irwell* and of certain of their Tributaries from certain Obstructions.

ccxxiii. An Act to amalgamate the *Eastern Counties*, the *East Anglian*, the *Newmarket*, the *Eastern Union*, and the *Norfolk* Railway Companies; and for other Purposes.

ccxxiv. An Act for a Lease of the Undertaking of the *Mid Kent* Railway (*Bromley* to *Saint Mary's Cray*) Company to the *London, Chatham, and Dover* Railway Company, and for other Purposes.

ccxxv. An Act for the Amalgamation of the *Somerset Central* Railway Company and the *Dorset Central* Railway Company, and for other Purposes.

ccxxvi. An Act to authorize the Construction of a Railway in *Shropshire*, to be called "The *Wellington and Drayton* Railway."

ccxxvii. An Act for making a Railway and Harbour in the County of *Devon*, to be called the *Sidmouth* Railway and Harbour, and for other Purposes.

PRIVATE ACTS,

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1. AN Act to confirm certain Contracts for granting Leases made and entered into by *Charles Phillimore* Esquire of Part of the Lands and Hereditaments devised by the Will of *William Robert Phillimore* Esquire, deceased, situate in the Parish of *Saint Mary Abbotts, Kensington*, in the County of *Middlesex*, and to confirm certain Leases granted in pursuance of the said Contracts, and for other Purposes relating to the said Will.

2. An Act for incorporating the Trustees under the Will of Captain *William Mackintosh*, for defining and explaining the said Will, and for carrying into effect the Purposes thereof.

3. An Act to extend the Powers given to the Trustees of the Will of *William Tufnell* Esquire by an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for enabling the Trustee under the Will of the late* William Tufnell *Esquire to reduce the Fines for the Copyholds held of the Manor of* Barnersbury, *devised by his Will, as an Encouragement to the Tenants to build thereon, to grant Building and Repairing Leases of the devised Estates; and for other Purposes.*

4. An Act to enable the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward*, late King of *England* the Sixth, of *Saint Thomas the Apostle*, commonly called "*Saint Thomas's Hospital*," to convey the Site of the present Hospital to the *Charing Cross* Railway Company, and to acquire a new Site for the same Hospital; and for other Purposes.

5. An Act for amending the Powers of Leasing and other Powers created by divers Acts relating to the Estates annexed to the Earldom of *Shrewsbury*; and for other Purposes.

6. An Act to authorize the Trustees of the Will of *Athelstan Corbet* Esquire, deceased, to grant Building Leases and Mining Leases of the Estates thereby devised, and to raise Five thousand Pounds out of the same Estates, and apply such Sum in the Improvement of the Port of *Aberdovey* and Lands adjoining thereto; and for other Purposes.

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8. An Act to dissolve the Marriage of Colonel *Gore Boland Munbee* with *Sophia Catherine* his now Wife, and to enable him to marry again; and for other Purposes.

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Printers to the Queen's most Excellent Majesty. 1862.

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TO THE

PUBLIC GENERAL ACTS,

25° & 26° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

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I. - - - - Ireland.
E. & I. - - - England and Ireland.
G.B. - - - - Great Britain.
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JUSTICE, ADMINISTRATION OF. *See* ACKNOWLEDGMENT OF DEEDS. BANKRUPTCY. BILLS OF EXCHANGE. CHANCERY. CRIMINAL LAW. CRIMINALS, SURRENDER OF. HABEAS CORPUS. HOMICIDES. JURIES. JUVENILE OFFENDERS. OATHS, UNLAWFUL. PEACE PRESERVATION. SUMMARY JURISDICTION. WHIPPING OF OFFENDERS.		
JUVENILE OFFENDERS; to amend the Law as to the whipping of Juvenile and other Offenders - - - -	18.	G.B. & I.
L.		
LANCASTER (COUNTY PALATINE); to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of Lancaster - - -	42.	E.
LANDED PROPERTY IMPROVEMENT; to amend and enlarge the Acts for the Improvement of Landed Property in Ireland - - - - - - - - - -	29.	I.
LANDS, INCLOSURE OF. *See* INCLOSURE OF LANDS.		
LEASES, &c. BY INCUMBENTS; to amend the Act 24 & 25 Vict. c. 105., to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices - -	52.	E.
LISTS FOR THE MILITIA. *See* MILITIA.		
LOAN DUE FROM JAMAICA. *See* JAMAICA.		
LOCAL GOVERNMENT; to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98.), relating to the Districts of Hanley, Stroud, Ilfracombe, Longton, Halifax, Ipswich, and Sandown -	25.	E.
LOCAL MANAGEMENT (METROPOLIS); to amend the Metropolis Local Management Acts - - - -	102.	E.
LOCAL RATES, &c., RECOVERY OF; for the more economical Recovery of Poor Rates and other Local Rates and Taxes -	82.	E.
LONGTON. *See* LOCAL GOVERNMENT.		
LUNACY—LUNATICS; to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes - -	86.	G.B. & I.
——— to amend the Law relating to - - - -	111.	E.
——— to make further Provision respecting Lunacy in Scotland - - - - - -	54.	S.
M.		
MAN, ISLE OF. *See* ISLE OF MAN.		
MAINTENANCE OF PAUPER CHILDREN. *See* PAUPER CHILDREN.		
MARKING OF MERCHANDISE; to amend the Law relating to the fraudulent marking of Merchandise - - - -	88.	G.B. & I.
MARINE MUTINY; for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - -	6.	U.K.

	Cap	Relating to
MARINES. *See* OFFICERS COMMISSIONS.		
MARRIED WOMEN. *See* ACKNOWLEDGMENT OF DEEDS		
MATRIMONIAL CAUSES *See* DIVORCE COURT.		
MEASURES; to amend "The Weights and Measures (Ireland) Act, 1860" (23 & 24 Vict. c. 119); to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold, in Ireland - -	76	I.
MEDICAL EDUCATION; to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other Purposes - - - - - -	91.	G.B. & I.
MERCHANDISE MARKS; to amend the Law relating to the fraudulent marking of Merchandise - - -	88.	G.B. & I.
MERCHANT SHIPPING; to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853" (17 & 18 Vict. c. 104, 18 & 19 Vict. c. 91., and 16 & 17 Vict. c. 107.) - - - - - - -	63.	U.K.
METROPOLIS LOCAL MANAGEMENT; to amend the Metropolis Local Management Acts - - - - - -	102	E.
MILITIA; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - -	77	G.B. & I
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - - -	80.	G.B. & I.
——— *See also* OFFICERS COMMISSIONS.		
MILITARY COLLEGE AT SANDHURST; for vesting in Her Majesty's Principal Secretary of State for the War Department the Lands of the Royal Military College at Sandhurst, and for completing certain Exchanges of Lands now or late of the said College - - -	33.	E
MINES; to amend the Law relating to Coal Mines - -	79.	G.B.
MORTGAGE OF RATES (BURIAL ACTS); to authorize Improvement Commissioners acting as Burial Boards to mortgage certain Rates for the Purposes of the Burial Acts -	100.	E.
MOVEABLE PROPERTY; to facilitate the Transmission of Moveable Property in Scotland - - - - - -	85.	S.
MURRAY, DR. *See* ABERDEEN, UNIVERSITY OF.		
MUTINY; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters -	5.	U.K
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - - -	6.	U.K.
——— for the more speedy Trial of certain Homicides committed by Persons subject to the Mutiny Act -	65.	E. & I.

N.

NAVAL STORES; for the better Protection of Her Majesty's Naval and Victualling Stores - - - - -	64.	U.K.
NAVIGATION. *See* HARBOURS.		
NETLEY HOSPITAL ESTATE; for extinguishing certain Rights of Way through the Netley Hospital Estate in the Parish of Hound (Southampton) - - - - - -	16.	E.

	Cap.	Relating to
NEW SHOREHAM. *See* ELECTIONS.		
NEW ZEALAND; respecting the Establishment and Government of Provinces in New Zealand, and to enable the Legislature of New Zealand to repeal the Seventy-third Section of the Act 15 & 16 Vict. c. 72, to grant a Representative Constitution to the Colony of New Zealand - - -	48.	U.K.

O.

OATHS, UNLAWFUL; to continue the Act 2 & 3 Vict. c. 74., for preventing the administering of unlawful Oaths in Ireland, as amended by the Act 11 & 12 Vict. c. 89. - -	32.	I.
OBAN. *See* PIERS AND HARBOURS.		
OFFICERS COMMISSIONS; to enable Her Majesty to issue Commissions to the Officers of Her Majesty's Land Forces and Royal Marines, and to Adjutants and Quartermasters of Her Militia and Volunteer Forces, without affixing Her Royal Sign Manual thereto - - - -	4.	U.K.
OFFICES, PUBLIC. *See* PUBLIC OFFICES.		
OFFICES, QUALIFICATION FOR; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - -	60.	G.B. & I.
OFFENDERS, WHIPPING OF; to amend the Law as to the whipping of Juvenile and other Offenders - -	18.	G.B. & I.
OXFORD UNIVERSITY; to extend the Power of making Statutes possessed by the University of Oxford, and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University - - -	26.	E.

P.

PARLIAMENTARY ELECTIONS; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) -	109.	G.B. & I.
——— to amend the Law relating to Polling Places in the Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford - - - - - -	95.	E.
——— to limit the Time for proceeding to Elections in Counties and Boroughs in Ireland - - -	92.	I.
——— to amend the Law relating to the Duration of contested Elections for Counties in Ireland, and for establishing additional Places for taking the Poll thereat -	62.	I.
PAROCHIAL ASSESSMENTS, to amend the Law relating to -	103.	E.
PAROCHIAL BUILDINGS; to make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in Scotland - - - -	58.	S.
PARTITIONS *See* CONFIRMATION OF SALES, &c.		
PAUPER CHILDREN; to provide for the Education and Maintenance of Pauper Children in certain Schools and Institutions - - - - - - - - - -	43.	E.
PAY. *See* ARMY. MILITIA.		
PEACE PRESERVATION; to continue The Peace Preservation (Ireland) Act, 1856, as amended by 23 & 24 Vict. c. 138. -	24.	I.
PETROLEUM; for the Safe-keeping of Petroleum - -	66.	G.B & I.

	Cap.	Relating to
PHYSICIANS, COLLEGE OF; to define the Powers of the President and Fellows of the King and Queen's College of Physicians in Ireland with respect to the Election of its Fellows - - - - - -	15.	I.
PIERS AND HARBOURS; to amend The General Pier and Harbour Act, 1861 (24 & 25 Vict. c. 45.) -	19.	G.B. & I.
Amended by - - - -	51.	G.B. & I.
——— for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861 (24 & 25 Vict. c. 45.), and The General Pier and Harbour Act, 1861, Amendment Act (25 & 26 Vict. c. 19.), relating to Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings - - - - -	51.	G.B. & I.
POACHING, for the Prevention of - - - - -	114.	G.B. & I.
POLICE AND IMPROVEMENT; to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof - - -	101.	S.
POLLING PLACES. *See* PARLIAMENTARY ELECTIONS.		
POOR—POOR RELIEF; to amend the Laws in force for the Relief of the destitute Poor in Ireland, and to continue the Powers of the Commissioners - - -	83.	I.
——— to amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland - - -	113.	G.B. & I
——— to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein - - - -	110.	E
POOR RATES, &c.; for the more economical Recovery of Poor Rates and other Local Rates and Taxes - -	82.	E.
——— to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein - - -	110.	E.
PORTLAND. *See* FORTIFICATIONS.		
PORTSDOWN FAIR; for the Discontinuance of Portsdown Fair (Southampton) - - - - - -	34.	E.
PRISONERS, DISCHARGED; to amend the Law relating to the giving of Aid to discharged Prisoners - - -	44.	E.
PRISONERS, REMOVAL OF. *See* QUEEN'S PRISON.		
PRIVATE ESTATES OF THE CROWN; to remove Doubts concerning, and to amend the Law relating to, the private Estates of Her Majesty, Her Heirs and Successors - - -	37.	G.B. & I.
PROTECTION OF INVENTIONS, &c.; for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year 1862 - - -	12.	U.K.
PROVIDENT AND INDUSTRIAL SOCIETIES, to consolidate and amend the Laws relating to - - - - -	87.	G.B. & I.
PROVISIONAL ORDERS. *See* LOCAL GOVERNMENT TURNPIKE ROADS, &c.		
PUBLIC HEALTH. *See* IMPROVEMENT OF TOWNS.		
PUBLIC HOUSES; to amend the Acts for the Regulation of Public Houses in Scotland - - - - - -	35.	S.
PUBLIC OFFICES EXTENSION; to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the "Public Offices Extension Act, 1859" (22 Vict. c. 19.), by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act - -	74.	E.

	Cap.	Relating to
PUBLIC WORKS; to amend the Act 24 & 25 Vict. c. 80., for authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes - - - - - -	30.	G.B. & I.

Q.

QUALIFICATION FOR OFFICES, &c.; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - -	60.	G.B. & I.
QUEEN, THE. *See* PRIVATE ESTATES OF THE CROWN. WINDSOR CASTLE.		
QUEEN'S PRISON; for the Discontinuance of the Queen's Prison, and the Removal of the Prisoners to Whitecross Street Prison - - - - - - - -	104.	E.

R.

RANGES, ARTILLERY. *See* ARTILLERY RANGES.		
RATES, TAXES, AND DUTIES. *See* ASSESSMENTS, PAROCHIAL. CUSTOMS. EXCISE. INLAND REVENUE. LOCAL RATES, &c. MORTGAGE OF RATES, &c. POOR RATES.		
REAL ESTATES; to facilitate the Proof of Title to, and the Conveyance of, Real Estates - - - -	53.	E.
RECOVERY OF POOR RATES. *See* POOR RATES, &c.		
RED SEA AND INDIA TELEGRAPH; for enabling the Commissioners of Her Majesty's Treasury to make Arrangements with the Red Sea and India Telegraph Company -	39.	U.K.
REGISTRATION. *See* MEDICAL EDUCATION.		
REGISTRATION OF INDIA STOCKS. *See* INDIA STOCKS.		
RELIEF OF THE POOR. *See* AID TO POOR LAW UNIONS. POOR.		
RELIEF OF TURNPIKE TRUSTS. *See* TURNPIKE ROADS, &c.		
REMOVAL OF THE POOR; to amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland - - -	113.	G.B. & I.
REMOVAL OF PRISONERS. *See* QUEEN'S PRISON.		
RETIRING PAY, &c. of BRITISH FORCES IN INDIA. *See* ARMY.		
RIFLE VOLUNTEER GROUNDS; for amending "The Rifle Volunteer Grounds Act, 1860" (23 & 24 Vict. c. 140.) -	41.	G.B.
RIGHTS OF WAY. *See* NETLEY HOSPITAL ESTATE.		
ROADS AND BRIDGES (HIGHLAND); to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto - - - - - -	105.	S.
ROYAL ARSENALS. *See* FORTIFICATIONS.		
ROYAL MARINES; for the Regulation of Her Majesty's Royal Marine Forces while on shore - - -	6.	U.K.
——— *See also* OFFICERS COMMISSIONS.		
ROYAL MILITARY COLLEGE AT SANDHURST. *See* SANDHURST COLLEGE.		
ROYAL SIGN MANUAL. *See* OFFICERS COMMISSIONS.		

	Cap.	Relating to
S.		
SAINT IVES. *See* PIERS AND HARBOURS.		
SALE OF SPIRITS, to amend the Laws relating to - -	38.	G.B. & I.
SALES; CONFIRMATION OF; to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others -	108.	E.
SALMON FISHERIES; to regulate and amend the Law respecting the Salmon Fisheries of Scotland - - - -	97.	S.
SANDHURST COLLEGE; for vesting in Her Majesty's Principal Secretary of State for the War Department the Lands of the Royal Military College at Sandhurst, and for completing certain Exchanges of Lands now or late of the said College - - - - - - -	33.	E.
SANDOWN. *See* LOCAL GOVERNMENT.		
SAVINGS BANKS; to revive and continue the Act 22 Vict. c. 17., for amending the Laws relating to Savings Banks in Ireland - - - - - - - -	75.	I.
SCHOOLS. *See* EDUCATION OF PAUPER CHILDREN. INDUSTRIAL SCHOOLS.		
SCOTLAND, ACTS RELATING SPECIALLY TO. *See* ABERDEEN, UNIVERSITY OF. HIGHLAND ROADS AND BRIDGES. IMPROVEMENT OF TOWNS. LUNACY. MOVEABLE PROPERTY. PAROCHIAL BUILDINGS. PUBLIC HOUSES. SALMON FISHERIES.		
SHEEP; to render Owners of Dogs in Ireland liable for Injuries to Sheep - - - - - - -	59.	I.
SHOEBURY. *See* ARTILLERY RANGES.		
SLAVE TRADE; to carry into effect the Treaty between Her Majesty and the United States of America for the Suppression of the African Slave Trade - -	40.	U.K.
——— rectifying a clerical Error in the above Act - -	90.	U.K
SOANE'S MUSEUM; to enable the Trustees of Sir John Soane's Museum to send Works of Art to the International Exhibition, 1862 - - - - - - -	9.	E.
SPIRITS; to amend the Laws relating to the Sale of Spirits -	38.	G.B. & I.
STOCKS, TRANSFER OF; to amend the Law relating to the Transfer of Stocks and Annuities transferable at the Bank of Ireland - - - -	21.	I.
——— to provide for the Registration and Transfer of India Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively - - -	7.	U.K.
STORES, NAVAL, &c.; for the better Protection of Her Majesty's Naval and Victualling Stores - - - -	64.	U.K.
STROUD. *See* LOCAL GOVERNMENT.		
SUGAR; to continue the Duties of Excise on Sugar made in the United Kingdom, &c. - - - -	84.	G.B. & I.
SUMMARY JURISDICTION; to amend certain Provisions of the Acts 24 & 25 Vict. cc. 96, 97, 99, and 100, respectively, relating to Summary Jurisdiction in Ireland - -	50.	I.
SUMMARY PROCEDURE (BILLS OF EXCHANGE); to amend "The Summary Procedure on Bills of Exchange (Ireland) Act, 1861" (24 & 25 Vict. c. 43.) - - - - -	23.	I.
SUPERANNUATION. *See* COPYHOLD, &c. COMMISSION.		
SUPPLY. *See* APPROPRIATION OF SUPPLIES. CONSOLIDATED FUND. EXCHEQUER BILLS, &c.		

	Cap.	Relating to
SURRENDER OF CRIMINALS; for giving Effect to a Convention between Her Majesty and the King of Denmark for the mutual Surrender of Criminals - - - - -	70.	U.K.
SURVEYORS (COUNTY); to amend the Law relating to the Appointment of County Surveyors in Ireland - -	106.	I.
SUSPENSION OF THE MILITIA BALLOTS *See* MILITIA		

T.

TAXES, RATES, AND DUTIES. *See* ASSESSMENTS, PAROCHIAL. CUSTOMS. EXCISE INLAND REVENUE. LOCAL RATES, &c MORTGAGE OF RATES, &c. POOR RATES.		
TELEGRAPH. *See* RED SEA AND INDIA TELEGRAPH.		
THAMES EMBANKMENT; for embanking the North Side of the River Thames from Westminster Bridge to Blackfriars Bridge, and for making new Streets in and near thereto -	93.	E.
TITHE, &c., COMMISSION, for continuing the Copyhold, Inclosure, and Tithe Commission, and entitling the Commissioners to Superannuation Allowance - - - - -	73.	E.
TITLE, for obtaining a Declaration of - - - - -	67.	E.
——— to facilitate the Proof of Title to, and the Conveyance of, Real Estates - - - - - -	53.	E.
TOBERMORY. *See* PIERS AND HARBOURS.		
TOWNS IMPROVEMENT; to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof - - - - -	101.	S.
TRADING COMPANIES, &c.; for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations - - - - - - - -	89.	G.B. & I.
TRANSFER OF LAND; to facilitate the Proof of Title to, and the Conveyance of, Real Estates - - - - -	53.	E.
TRANSFER OF STOCKS; to amend the Law relating to the Transfer of Stocks and Annuities transferable at the Bank of Ireland - - - - -	21.	I.
——— to provide for the Registration and Transfer of India Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively - - -	7.	U.K.
TRANSMISSION OF MOVEABLE PROPERTY; to facilitate the Transmission of Moveable Property in Scotland - -	85.	S.
TREATY WITH THE UNITED STATES. *See* AFRICAN SLAVE TRADE.		
TRUSTEES; to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others - -	108.	E.
TURNPIKE ROADS, &c.; to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts -	56.	E.
— to continue certain Turnpike Acts in Great Britain -	72.	G.B.
— — to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto - - - - - - -	105.	S.

	Cap.	Relating to
U.		
UNION RELIEF AID; to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein - - -	110.	E.
UNITED STATES; to carry into effect the Treaty between Her Majesty and the United States of America for the Suppression of the African Slave Trade - -	90.	U.K.
——— rectifying a clerical Error in the above Act - -	90.	U.K.
UNIVERSITY OF OXFORD; to extend the Power of making Statutes possessed by the University of Oxford, and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University -	26.	E.
UNIVERSITY OF ABERDEEN; to alter and amend the Universities (Scotland) Act, (21 & 22 Vict. c. 83.) in so far as relates to the Bequest of the late Doctor Alexander Murray in the University of Aberdeen - - - -	28.	S.
UNLAWFUL OATHS; to continue the Act 2 & 3 Vict. c. 74., for preventing the administering of unlawful Oaths in Ireland, as amended by the Act 11 & 12 Vict. c. 89. - -	32.	I.
V.		
VICTUALLING STORES; for the better Protection of Her Majesty's Naval and Victualling Stores - - - -	64.	U.K.
VOLUNTEER FORCES. *See* OFFICERS COMMISSIONS.		
VOLUNTEER RIFLE GROUNDS; for amending "The Rifle Volunteer Grounds Act, 1860" (23 & 24 Vict. c. 140.) - -	41.	G.B.
W.		
WAKERING. *See* ARTILLERY RANGES.		
WAR DEPARTMENT. *See* ARMY. MILITARY COLLEGE AT SANDHURST.		
WATER, SUPPLY OF. *See* IMPROVEMENT OF TOWNS.		
WEIGHTS AND MEASURES; to amend "The Weights and Measures (Ireland) Act, 1860" (23 & 24 Vict. c. 119.); to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold, in Ireland - -	76.	I.
WEST INDIES; to amend "The West Indian Incumbered Estates Acts, 1854 and 1858" (17 & 18 Vict. c. 117. and 21 & 22 Vict. c. 96.) - - - -	45.	U.K.
——— for the Settlement of a Loan due from the Island of Jamaica to the Imperial Government - -	55.	U.K.
WESTMINSTER BRIDGE. *See* THAMES EMBANKMENT.		
WHIPPING OF OFFENDERS; to amend the Law as to the whipping of Juvenile and other Offenders - - -	18.	G.B. & I.
WHITECROSS STREET PRISON; for the Discontinuance of the Queen's Prison, and Removal of the Prisoners to Whitecross Street Prison - - - - -	104.	E.
WINDSOR CASTLE; to authorize the Sale of Her Majesty's Bakehouse in Peascod Street, Windsor, and the Application of the Proceeds in the Purchase of Land or Buildings to be held with Windsor Castle - - - -	57.	E.

	Cap.	Relating to
WOMEN, &c., EMPLOYMENT OF; to prevent the Employment of Women and Children during the Night in certain Operations connected with Bleaching by the open-air Process -	8.	U.K.
WORKS, COMMISSIONERS OF. *See* PUBLIC OFFICES EXTENSION.		
WORKS, PUBLIC *See* PUBLIC WORKS.		
WORKS OF ART; for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works - - - - - -	68.	G.B. & I.
——— *See also* INTERNATIONAL EXHIBITION, 1862.		
WRITS OF HABEAS CORPUS; respecting the Issue of Writs of Habeas Corpus out of England into Her Majesty's Possessions abroad - - - - - - -	20.	U.K.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

VICESIMO QUINTO.

At the Parliament begun and holden at *Westminster*, the Thirty-first Day of *May*, *Anno Domini* 1859, in the Twenty-second Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith:

And from thence continued, by several Prorogations, to the Sixth Day of *February* 1862; being the FOURTH SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.

1862.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to apply the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-two.

[10th *March* 1862.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

 present

present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year ending the 31st Day of March 1862 the Sum of 973,747*l.* out of the Consolidated Fund.

1. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-two, the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 973,747*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

2. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

3. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

4. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

5. It

Consolidated Fund (£973,747).

5. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bank of England may advance 973,747*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

6. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

7. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

8. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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***

Consolidated Fund.

Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 18,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

2. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eighteen Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

3. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

4. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 18,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

5. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eighteen Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

6. It

Consolidated Fund (£18,000,000).

6. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

7. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

8. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

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CAP. III.

An Act to amend an Act, intituled *An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund;* and to repeal all Provisions by which Authority is given to the Commissioners of Her Majesty's Treasury to fund Exchequer Bills.

[24th *March* 1862.]

WHEREAS by an Act passed in the last Session of Parliament, Chapter Five, it is enacted, that whenever Payment of the Principal Moneys of any Exchequer Bills authorized to be made out and issued under the Provisions of the said Act shall be claimed, and shall be paid to the Holder thereof, and whenever any Exchequer Bills shall, under the Authority of the said Act, be paid in for Duties granted to Her Majesty, it shall be lawful for the Commissioners of Her Majesty's Treasury to order the Preparation and Issue of a like Amount of Exchequer Bills to be prepared and issued in place of the Exchequer Bills so paid off, and so paid in for Duties: And whereas it is expedient to provide that no Exchequer Bills shall be so prepared and issued in place of such Exchequer Bills so paid off, 24 & 25 Vict. c. 5.

and

and so paid in for Duties, at any Period after the Expiration of the financial Year during which such Exchequer Bills shall have been paid off or paid in for Duties: And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Ninety-two, certain Powers and Authorities are given to the Commissioners of Her Majesty's Treasury to create permanent Annuities chargeable upon the Consolidated Fund in lieu of Exchequer Bills held by the Commissioners for the Reduction of the National Debt under the Authority of that Act, and to cancel such Exchequer Bills in consideration of the permanent Annuities so created in lieu thereof; and it is expedient that such Powers and Authority shall cease and determine: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 G. 4. c. 92.

Limitation of Authority for Re-issue of Bills.

1. The Authority granted by the said first-recited Act shall be limited to and shall not extend beyond the Year commencing on the First Day of *April* and ending on the Thirty-first Day of *March* then next immediately following during which any such Exchequer Bills shall be paid off or paid in for Duties, and shall thereupon be cancelled.

Powers for Creation of Annuities and cancelling of Bills by 9 G. 4. c. 92., &c., repealed.

2. The several Powers and Authorities vested in the Commissioners of Her Majesty's Treasury in relation to the Creation of permanent Annuities, and to the cancelling of Exchequer Bills by the said second-recited or by any other Act are hereby repealed, and shall cease and determine on and after the passing of this Act.

Payment to the Bank of England for Management.

3. There shall be paid to the Governor and Company of the Bank of *England* out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof, for the Management of the Unredeemed Public Debt in Exchequer Bills, for the Year commencing on the First Day of *December* One thousand eight hundred and sixty-one, an Allowance at the Rate of One hundred Pounds for every Million of Exchequer Bills which were outstanding on that Day; and such Payment shall be made on the First Day of *December* One thousand eight hundred and sixty-two; and the Allowance for Management of Exchequer Bills shall be computed and paid in like Manner in every succeeding Year, until Parliament shall otherwise direct.

Outstanding Exchequer Bills charged on Consolidated Fund.

4. All Exchequer Bills, charged on Supplies granted by Parliament, which shall be outstanding after the Thirty-first Day of *March* One thousand eight hundred and sixty-two, and the Interest thereon, shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Authority to

to pay the Principal and Interest of such Exchequer Bills out of any Supplies appropriated by Parliament to such Purposes shall thenceforth cease and determine.

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ticating Commissions granted by Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Officer Commissions in the Army, &c. may be issued without Her Majesty's Royal Sign Manual being affixed thereto.

1. That it shall be lawful for Her Majesty, by Order in Council, from Time to Time, as Occasion may require, to direct that all or any Commissions for Officers prepared or to be prepared under the Authority of Her Majesty's Royal Sign Manual may be afterwards issued without Her Royal Sign Manual, but having thereon, in the Case of Her Majesty's Land Forces, except as herein-after mentioned, the Signatures of the Commander-in-Chief or the General Commanding-in-Chief, and of One of Her Majesty's Principal Secretaries of State, and in the Case of the Royal Marines of the Lords Commissioners of the Admiralty, and in the Case of Military Chaplains, Commissariat and Store Officers, and of Adjutants and Quartermasters in the Militia and Volunteer Forces, of One of Her Majesty's said Principal Secretaries; and that every such Commission issued and signed in pursuance of such Order in Council shall be conclusive Evidence that the Officer named in any such Commission has been appointed or promoted by Her Majesty to the Rank or Office named therein.

Nothing to affect Her Majesty's Right to sign Commissions.

2. Nothing herein contained shall be construed to prevent Her Majesty from signing any Commission, or to prevent any Commission so signed from having the same Validity and Effect as if this Act had not passed.

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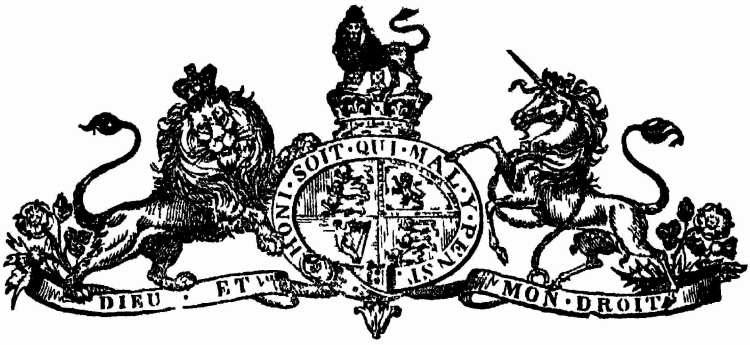

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blished Laws of this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

1. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Army, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

2. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, other than Officers and Soldiers belonging to Her Majesty's *Indian* Forces, and to all Persons employed on the Recruiting Service receiving Pay, and all Pensioners receiving Allowances in respect of such Service, and to the Officers and Soldiers belonging to Her Majesty's *Indian* Forces, while such Officers or Soldiers shall be in any Part of the United Kingdom, and to Persons who are or shall be hired to be employed in the Royal Artillery, Royal Engineers, and Military Store Department, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff or in the Commissariat Staff Corps, or in the Military Store Department, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Army at home

home or abroad, under the Command of any Commissioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five), to any Out-pensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

Provisions of this Act to extend to Jersey, Guernsey, &c.

3. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Colonial and Foreign Troops in Her Majesty's Pay to be

4. All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately

subject to Provisions of this Act.

immediately from Her Majesty (other than Officers and Soldiers belonging to Her Majesty's *Indian* Forces when out of the United Kingdom) shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Provision as to the Militia and Yeomanry Corps.

5. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

Power to constitute Courts-martial.

6. For the Purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Troops belonging to Her Majesty's Army, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command: Provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial.

Place where Offenders may be tried.

7. Any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission

of the Offence, as if the Offence had been committed where such Trial shall take place.

8. Every General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Powers of General Courts-martial.

9. Every District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of District or Garrison Courts-martial.

10. A Regimental or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Powers of Regimental or Detachment Courts-martial.

11. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial on Line of March or in Troop Ships, &c.

12. It shall be lawful for any Officer commanding any Detachment or Portion of Troops serving in any Place beyond Seas where it may be found impracticable to assemble a General Court-martial, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any Country in which such Troops are so serving, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of

Powers of Detachment General Courts-martial.

 any

any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army of which such Detachment or Portion forms Part shall have approved and confirmed the same.

As to swearing and summoning of Witnesses.

13. All General and other Courts-martial shall administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

14. No

Mutiny.

14. No Officer or Soldier who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

No Second Trial for the same Offence, but Revision may be allowed.

15. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in any Forces belonging to Her Majesty's Army, or Her Majesty's *Indian* Army, or Her Majesty's Royal Marines, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall sleep on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier attested for or in Pay in any Regiment or Corps, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment or Corps, may be deemed

Crimes punishable with Death.

deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death may be commuted for Penal Servitude or other Punishments.

16. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty, or to the Officer commanding as aforesaid.

Embezzlement, &c. of Stores punishable by Penal Servitude.

17. Any Officer or Soldier of Her Majesty's Army, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Army or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences

18. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by

by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Army in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Army in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude of such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude of other Offenders; and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland*, to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England;* and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England*, and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England;* and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and

of Penal Servitude in the United Kingdom.

Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Penal Servitude in the Colonies, the East Indies, the Ionian Islands, or elsewhere out of Her Majesty's Dominions.

19. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any other Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall according to such Directions undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Penal Servitude, by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively: In the *Ionian Islands* and elsewhere out of Her Majesty's Dominions,

Dominions, the Officer commanding shall have Power to make an Order in Writing for the Penal Servitude or intermediate Custody of such Offender; and such Offender shall be liable by virtue of such Order to be imprisoned and kept to Hard Labour and otherwise dealt with under the Sentence of the Court in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Place where he may be ordered to be kept in such intermediate Custody, or in the Place to which he may be removed for the Purpose of undergoing his Sentence of Penal Servitude.

A Sentence of Penal Servitude may be commuted for Imprisonment.

20. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for the same or such lesser Term as shall seem meet to Her Majesty, or to the Officers commanding as aforesaid.

Of Forfeitures, when combined with Penal Servitude.

21. Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to any Sentence of Penal Servitude, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Power to inflict Corporal Punishment.

22. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Desertion, or for disgraceful Conduct, Misbehaviour, or Neglect of Duty, but no Sentence of Corporal Punishment awarded by a Regimental Court-martial shall, except in the Case of Mutiny or gross Insubordination herein-before mentioned, be put in execution in Time of Peace without the Leave in Writing of the General or other Officer commanding the District or Station in which the Court may be held; and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

23. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed by the Articles of War.

24. In

Power to commute Corporal Punishment for Imprisonment, &c.

24. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute a Sentence of Cashiering.

25. It shall be lawful for Her Majesty in all Cases whatsoever, instead of causing a Sentence of Cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Marking Deserters, or Soldiers discharged with Ignominy.

26. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked Two Inches below and One Inch in rear of the Nipple of the Left Breast with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be clearly seen, and not liable to be obliterated; a Court-martial recommending that an Offender be discharged with Ignominy may also recommend that he be marked on the Right Breast with the Letters B. C., and such Recommendation may legally be carried into effect by the Military Authorities.

Power of Imprisonment by different Kinds of Courts-martial.

27. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, but such Solitary Confinement shall not exceed the Periods prescribed by the Articles of War; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and with or without Solitary Confinement not exceeding the Periods prescribed by the Articles of War.

As to Imprisonment of Offenders

28. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal

Penal Servitude, the Court may award a Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial, to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

already under Sentence for previous Offences.

29. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary-at-War; and it shall be lawful for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of the Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time

Regulations as to Military Prisons.

be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

As to the Custody of Military Offenders under Sentence of Court-martial and in other Cases.

30. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Offence of which he shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

As to the Removal of Prisoners.

31. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of the United Kingdom, it shall be lawful for the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the District or Garrison in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there

there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any public Prison other than such Military Prison as aforesaid, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the General commanding in chief or the Adjutant General of Her Majesty's Forces in the Case of any such Prisoner, and for the Commander-in-Chief in *India* in the Case of any Prisoner so confined in any Part of Her Majesty's *Indian* Dominions, and for the General commanding in chief in any Presidency in *India* in the Case of a Prisoner so therein confined, and for the Officer commanding in chief or the Officer who confirmed the Proceedings of the Court at any Foreign Station in the Case of a Prisoner so there confined, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction either within the United Kingdom or elsewhere to some other Prison or Place either in the United Kingdom or elsewhere, the Officer who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released; and such Governor, Provost Marshal, Gaoler or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, or in the *Ionian Islands*, the Secretary of State for War, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military Custody as may be lawfully exercised by any of the Military Authorities above mentioned in respect of any Prisoners

Prisoners undergoing Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence for whatever Purpose such Detention shall take place; and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Provision for Subsistence of Soldiers when imprisoned in Common Gaols.

32. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, in *Great Britain* and *Ireland* One Shilling *per Diem*, and in other Parts of Her Majesty's Dominions Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of One Shilling or of Sixpence *per Diem*, as the Case may be, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment of Soldiers in Common Gaols.

33. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall forthwith, or as soon as may be, give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, Notice of the Day and Hour on which the Imprisonment of such Person will expire.

Apprehension of Deserters in the United Kingdom.

34. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to

to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry and to remand the said suspected Person in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained, and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps, in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and

Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of such Fees; and when any such Person shall be apprehended and committed as a Deserter in any Part of Her Majesty's Foreign Dominions the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in such Part, or, if the Regiment or Corps be in such Part, the Justice may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In Her Majesty's Foreign Dominions.

As to the temporary Custody of Deserters in Gaols.

35. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary-at-War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits prior to joining their Regiments or Corps.

36. Any Recruit for Her Majesty's Army who, having been attested or received Pay other than Enlisting Money, shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath,

Oath, or upon his own Confession, forfeit his personal Bounty, and be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty.

Fraudulent Confession of Desertion.

37. Any Person who shall confess himself to be a Deserter from Her Majesty's Forces, or from Her Majesty's *Indian* Forces, or from the Embodied Militia, shall be liable to be taken before any Two Justices of the Peace acting for the County, District, City, Burgh, or Place where any such Person shall at any Time happen to be when he shall be brought before them, and on Proof that any such Confession as aforesaid was false, shall by the said Justices be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months; and if, when such Person shall be brought before the said Justices, it shall be proved to their Satisfaction that such Confession has been made, but Evidence of the Truth or Falsehood of such Confession shall not at that Time be forthcoming, such Justices are hereby required to remand such Person in the Manner herein-before mentioned, and to transmit a Statement of the Case to the Secretary of State for War, with a Request to be informed whether such Person appears to belong or to have belonged to the Regiment or Corps from which he shall have so confessed himself to have deserted; and a Letter from the War Office in reply thereto, referring to such Statement, and purporting to be signed by or on behalf of the Secretary of State for War, shall be admissible in Evidence against such Person, and shall be deemed to be legal Evidence of the Facts stated therein, and on the Receipt thereof the said Justices shall forthwith proceed to adjudicate upon the Case.

Furlough in case of Sickness.

38. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the

the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

39. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again convicted for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

40. Any Person attested for Her Majesty's Army or Her Majesty's *Indian* Army, or serving on the permanent Staff of the Disembodied Militia other than as a Commissioned Officer, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of absenting himself from his Service, or neglecting to fulfil his Contract, or otherwise misconducting himself respecting the same, or the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment

Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, or misconducting himself respecting the same, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Officers not to be Sheriffs or Mayors.

41. No Person who shall be commissioned and in full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland.*

Questions to be put to Recruits on enlisting.

42. Every Person authorized to enlist Recruits shall first ask the Person offering to enlist, whether he belongs to the Militia, and also such other Questions as the Military Authorities may direct to be put to Recruits, and shall immediately after giving him Enlisting Money serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

Recruits, when deemed to be enlisted.

43. Every Person who shall receive Enlisting Money in manner aforesaid, knowing it to be such, shall, subject to the Provisions herein-after contained, upon such Receipt be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

When Recruits to be taken before a Justice.

44. Every Person so enlisted as aforesaid shall within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Army, in order that he may be attested by making the Declaration and taking the Oath herein-after mentioned, or may have an Opportunity of objecting to his Enlistment; and upon such Appearance, the Justice or some Person deputed by him shall fill up the Declaration set forth in the Schedule to this Act annexed, first asking the Recruit the Questions that are requisite for that Purpose, and cautioning him that if he should make any wilfully false Answer thereto, he will be liable to be punished as a Rogue and Vagabond.

Dissent and Relief from Enlistment.

45. When a Recruit upon appearing before a Justice for the Purposes aforesaid shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall

shall report such Discharge to the Inspecting Field Officer of the District, or in the Case of a Recruit enlisted at the Head Quarters or Depôt of a Regiment to the Officer commanding the same; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money, and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he will be entitled to be discharged, and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of State for War and to the Inspecting Field Officer of the District, shall be paid over to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Attesting of Recruits.

46. If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and declare that he is unable to pay the Sums mentioned in the last Section, the Justice shall require him to make the Declaration herein-before mentioned in the usual Manner, and shall then administer to him the Oath of Allegiance in the Form set forth in the Schedule to this Act annexed; and when the Recruit shall have signed the said Declaration, and taken the said Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested; and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits, until they have been attested or received Pay not triable by Court-martial; but in certain Cases punishable as Rogues and Vagabonds.

47. No Recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial; but if any Recruit, previously to his being attested, shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment, shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be, to adjudge such Recruit, when he shall be brought before them, if in *England*, to be a Rogue and

and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland* to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

48. Any Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable, at the Discretion of the proper Military Authorities, to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Recruits absconding.

49. If any Recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose, a Certificate of the Name and Place of Residence, and Description of such Recruit, and of his having absconded, and shall declare the same to be true; and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Under Secretary of State for War, in order that the same may appear in the *Police Gazette*.

Militiamen enlisting into Regular Forces.

50. If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Army or Her Majesty's *Indian* Forces, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for War, on the Confession thereof by such Militiaman, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State for War shall direct, and further to determine whether such Man shall be returned to his Militia Regiment after such Sum shall have been made good, or shall be deemed to be a Soldier, in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation, in which latter Case his Service as a Soldier shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired: Provided that should the Regiment be within the United Kingdom the Secretary of State for War shall not make such Order without the Consent of the Commanding Officer of the Militia Regiment from which the Man shall have deserted.

51. Every

Mutiny.

51. Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Army or for Her Majesty's *Indian* Forces shall be liable to be tried for such Offence before a General, District, or Garrison Court-martial, and to be sentenced to such Punishments other than Death or Penal Servitude as such Courts may award.

Punishment of Persons offending against Laws relating to Enlistment.

52. It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, or in any Colony for any other Person duly authorized in that Behalf by the Governor or Officer administering the Government of such Colony, or in the *Ionian Islands* for any Person duly authorized in that Behalf by the Lord High Commissioner, or in Her Majesty's Dominions in *India* for any Person duly authorized in that Behalf by the Governor General or Lieutenant Governor or other Officer administering the Government of any Presidency, Division, or Province, or within the Territories of any Foreign State in *India* for the Person performing the Duties of the Office of *British* Resident therein, or for any other Person duly authorized in that Behalf by the Governor General, to enlist and attest or to re-engage within the local Limits of their several Authorities any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Army or Her Majesty's *Indian* Army; and any such Magistrate or Person as aforesaid shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; but no such Magistrate or other Person authorized to enlist and attest as above mentioned shall be a General Officer or hold any Regimental Commission; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so attested shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain or for Her Majesty's *Indian* Forces; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier.

Enlistment and Re-enlistment, and Transfer to another Corps abroad.

53. It shall be lawful for the Commander-in-Chief, or for any Officer authorized by him in that Behalf, to direct that any Soldier attested

Soldiers transferred from one

Service to another.

attested for any one Branch of the Service shall, on the Application of his Commanding Officer, and with his own Consent, be transferred to some other Branch of the Service, or to some other Regiment or Corps in the same Branch of the Service, either within the United Kingdom or elsewhere; and every Soldier so transferred shall be deemed to be discharged from his former Corps, and shall have a Certificate of Transfer delivered to him: Provided always, that any Soldier attested for the Infantry, and at his own Request transferred to the Cavalry, Artillery, or Engineers, shall be bound to serve for the full Term of such Service as if originally enlisted therein, but any Soldier at his own Request transferred from either of such before-mentioned Services to the Infantry shall be liable to serve for the Term of his original Enlistment.

Re-engagement of Soldiers or of Persons having been Soldiers for a further Term.

54. Any Soldier at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, may, with the Consent of his Commanding Officer, or any Person having been a Soldier, after having received his Discharge may, if approved by competent Military Authority as a fit Person for Her Majesty's Service, be re-engaged to serve for the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry, and Nine Years in the Artillery or Engineers, upon making a Declaration, in the Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or if not in *Great Britain* or *Ireland* before any Person duly appointed to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Service.

Enlistment of Negroes.

55. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to

56. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies

Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Army; and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, not having been above the Age of Fourteen when so bound, and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner

serve after the Expiration of his Apprenticeship.

Claims of Masters to Apprentices.

Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment of Apprentices enlisting.

57. No Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party, except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Removal of Doubts as to Attestation of Soldiers.

58. No Person who shall for Six Months, either before or after the passing of this Act, have received Pay and been borne on the Strength and Pay List of any Regiment or Corps, or Depôt or Battalion of a Regiment or Corps (of which the last Quarterly Pay List, if produced, shall be Evidence), shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation,

Attestation, or on any other Ground whatsoever; but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

59. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth day of *April* One thousand eight hundred and sixty-two, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be authorized or required by Her Majesty's Regulations or Articles of War, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service.

Authorized Deductions only to be made from the Pay of the Army.

60. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor

Suspending Operation of certain Acts herein recited.

6 Anne, c. 14. s. 8. (I.)

any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have received or be allowed any Quarters in any Part of *Ireland*, save only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from One Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

Certain Requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

61. And whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted, together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer: And whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment: It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

62. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *Great Britain* and *Ireland*,

Ireland, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be made out for the less distant Houses, in which suitable Accommodation can be found, before making out Billets for the more distant; and in all Places where Cavalry shall be billeted in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity; and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March, in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like Manner in every respect as if such Houses were all locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers

and

and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Corps, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables and who are by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging, where he shall be duly billeted.

63. The

63. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Billeting the Guards in and near Westminster.

64. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void.

Military Officers not to act as Justices in billeting.

65. The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other

Allowance to Innkeepers.

Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain* and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Regiment, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses, every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

66. All

66. All Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary: Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Interpretation of Act.

Powers and Regulations as to Billets.

Exemptions from Billets.

67. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned

Supply of Carriages.

commissioned Officer of the Regiment or Corps so ordered to march, *issue a Warrant to any Constable having Authority to act in any* Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

68. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates

Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the

aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages *for the March of Soldiers from Dublin,* at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin,* who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

69. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland,* by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland,* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually

usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

70. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in Scotland such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Routes in Ireland.

71. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

72. All Her Majesty's Officers and Soldiers, on Duty or on their March, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise

wise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her *Majesty's Colonies*; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

73. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

74. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

75. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers

76. Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanors and Offences herein-before mentioned; and if any Commanding Officer shall neglect or refuse, on Application being made to him

him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland* or in Her Majesty's Service; and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Obstructing Civil Justice.

77. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he have ceased to be an Army Agent; shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty for Disobedience by Agents.

78. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Army, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration

Penalty on trafficking in Commissions.

exceeding the Amount so allowed, shall forfeit One hundred Pounds and treble the Value of the Consideration where the Commission is *not allowed to be sold*, or treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

79. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. Every Person (except such Person or Persons as shall be authorized by Beating Order under the Hand of the Secretary-at-War) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or Her Majesty's *Indian* Forces, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Secretary of State in Council of *India*, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

81. Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person, who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, before any Two Justices acting for the County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Gaol or House of Correction, there

there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justices shall think fit.

82. Any Officer or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalty for forcible Entry in pursuit of Deserters.

83. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Fifty Lashes, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Twenty-five Lashes; or if such Soldier shall, within Forty-eight Hours of the Expiration of his original or of any additional Sentence, be guilty of any Offence against the Rules of the Prison, he may for every such Offence, on Conviction thereof by a Board or by a single Visitor, be ordered to be kept in Prison for a Period not exceeding Seventy-two Hours in either a dark or light Cell, and with or without Hard Labour or Solitary Confinement, on a Bread and Water Diet, or otherwise; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to apply to all Military Prisons so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

84. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

85. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person acting for or on his Behalf, on any Pretence whatsoever, or who shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such,

such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds and the treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Foreign Dominions, on the Recommendation of the Officer or Officers for the Time being administering the Government thereof, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting

the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person or Persons administering the Government of any such Foreign Dominions as aforesaid, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer or Officers as aforesaid in respect of any other Law made or enacted by any such Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets.

86. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland* for each Horse, in such Quantities and at such Rates as herein-before provided; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation

tion as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, on Duty or on their March, for themselves or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on Toll Collectors demanding Toll from Officers, Soldiers, or for Carriages;

and on Persons personating Soldiers, &c.

87. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate of such Conviction shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, from any Person, any Money or Reward for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in

Penalties upon the Military offending against the Law relating to Billets.

in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game without Leave.

88. For the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

89. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give all special Matter in Evidence to the Jury; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

90. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any

any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

91. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary-at-War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales,

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War.

Mode of recording a Soldier's Settlement.

92. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in Her Majesty's Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Licences of Canteens.

93. When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

94. All Muster Rolls and Accounts and Pay and Pension Lists which are required to be verified by Declaration shall be so verified and attested free of Stamp Duty and without Fee or Reward paid for such Declaration or Attestation.

95. All

Mutiny.

95. All Commissaries, Regimental Paymasters, and all other Accountants for Military Services, Storekeepers, and Barrack Masters, upon making up their Accounts, and all Commissaries and Storekeepers upon returning from any Foreign Service, shall severally make the respective Declarations described in the Schedule to this Act annexed; which Declarations, if made in any Part of the United Kingdom, shall be made before some Justice, or other Person authorized to administer Oaths and Declarations, and if made on Foreign Service, shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army, who shall respectively have Power to administer and receive the same.

Commissaries, &c. to attest their Accounts.

96. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or other Person having Authority to administer Oaths and Declarations; and any Person taking a false Oath or Declaration where an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act, found guilty thereof by a General, District, or Garrison Court-martial, shall be punished at the Discretion of such Court.

Administration of Oaths.

Perjury.

97. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person

Offences against former Mutiny Acts and Articles of War.

Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Duration of this Act.

98. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-two inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-three; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-two inclusive until the First Day of *May* One thousand eight hundred and sixty-three; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-two inclusive until the First Day of *August* One thousand eight hundred and sixty-three; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and sixty-two inclusive to the First Day of *September* One thousand eight hundred and sixty-three; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and sixty-three inclusive until the First Day of *January* One thousand eight hundred and sixty-four; and shall be and continue in force within *British Columbia* and *Vancouver's Island*, from the Date of the Promulgation thereof in General Orders there inclusive until the First Day of *January* One thousand eight hundred and sixty-four; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty-four inclusive until the First Day of *February* One thousand eight hundred and sixty-five: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

SCHE-

SCHEDULES referred to by the foregoing Act.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 186 .

A. B.

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Regiment [*instead of the Woras* "for the Regiment," *any Words may be substituted which are applicable to the Case*], and if you do not come to [*here name some Place*] on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representation at the Time of Attestation.

Signature of the Non-commissioned Officer serving the Notice. } _____

* A.M. or P.M., as the Case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the Parish of in the County of , do solemnly and sincerely declare, That to the best of my Knowledge and Belief I was born in the Parish of (*a*) in or near the Town of (*b*) in the County of (*c*) , and am Years of Age; that I am of the Trade or Calling of [*or* of no Trade or Calling, *as the Case may be*]; that I am not an Apprentice; that I am not married; that I do not belong to the Militia, or to the Naval Coast Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military or Naval Employment whatsoever, except ; that I have never been marked with the

T Letter

Letter D; that I have never been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit, and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Regiment of [*instead of the Words* "in the Regiment," *any Words may be substituted which are applicable to the Case in or for whatever Part of Her Majesty's Dominions the Enlistment may be made*] for the Term of [*the Blank after the Words* "Term of" *to be filled up with Ten Years for Infantry and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Recruit.*

_____ *Signature of Witness.*

Note (*a*), (*b*), (*c*). These Blanks need not be filled up if the Recruit is unable to give the requisite Information.

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand, _____ *Signature of Recruit.*

_____ *Witness present.*

The above Declaration and Oath were made before me at this Day of One thousand eight hundred and at o'Clock.

Signature of Justice _____

DECLARATION

DECLARATION to be made by a SOLDIER, or PERSON having been a SOLDIER, on renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in Captain Company in the Regiment [*the foregoing Portion of this Declaration may be altered to suit each particular Case*]; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, for a further Term of Years [*to be filled up with Eleven Years in the Infantry, or Twelve in the Cavalry, or Nine in the Artillery or Engineers, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Artillery, Engineers, and Infantry, or Twenty-four in the Cavalry,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

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FORM

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I, of One of Her Majesty's Justices of the Peace certify, That of *came before me at* the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I of One of Her Majesty's Justices of the Peace certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person

Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office.

Declared before me by the within-named }
this Day of }
Justice of the Peace of
or *Commander in Chief*, or *Second in Command, et cætera, the Army serving in et cætera* [*as the Case may be*].

FORM of DECLARATION of ATTESTATION of a STOREKEEPER'S ACCOUNTS.

I , Storekeeper at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Sale of old Stores, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever beyond my Salary and authorized Allowances, except the trifling Advantage which may have arisen in respect to the fractional Parts of a Penny in the Totals of the Pay Lists, as sanctioned by the Regulations of 19th December 1832 $\frac{8}{1176}$ (See Art. 246, at Page 65, of Home Regulations); and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,
Storekeeper at _____.

Declared before me at
this Day of 18 .

_____,
Magistrate for _____

FORM of DECLARATION of ATTESTATION of a BARRACK MASTER'S ACCOUNTS.

I , Barrack Master of the Barracks at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the

 several

several Sums drawn for or received by me on Imprests, or for Rents, Damages, and Deficiencies, washing Sheets, or for any other Article or Service; that they are just and true, and include every Sum for which *I am accountable during* the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever from or on account of the Purchase or Issue of any of the Articles for the Service of the said Barracks, nor have I any Property in Lands, Houses, Tenements, or any Article used or employed in the Service of the War Department; and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,
Barrack Master at _____.

Declared before me at
this Day of 18 .

_____,
Magistrate for _____.

FORM of DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS.

I do solemnly and sincerely declare, That the foregoing Pay List of the Regiment of , for the Period ended 186 , contains Charges of Pay for only such Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates as were effective and entitled to Pay during, and regularly mustered at, the Periods set against their Names; that all those Men who were not present at the respective Musters taken by me on the , the , and the have the true Reasons of their Absence stated against their Names; and that every Absence affecting the Pay or Allowances of such Men which occurred between the respective Musters is properly accounted for.

Also, that the List of Commissioned Officers prefixed to the said Pay List contains a true and just Statement of the Names of all the Commissioned Officers who have been effective and entitled to Pay as belonging to the said Regiment for the Periods therein set down against their respective Names; also, that all the Remarks opposite to their Names on the Muster Roll have been correctly copied therein; and that the Sum debited in the general State of this Pay List for the Pay of Officers has been actually received by me and paid to them respectively.

Also

Mutiny.

Also, that the whole of the Sums debited in this Pay List and Account, amounting to , have been actually and bonâ fide disbursed by me in conformity with the established Regulations, and that the total Sum received, drawn for, or required to be remitted for the several Services therein charged, including every Receipt whatever, for which I am required to give Credit in these Accounts, is

Also, that the Statement at the Foot of this Page contains a full and correct List of all Abstracts of Examination, and of all Decisions on Abstracts of Examination, of the Pay List of this Regiment received between the of 186 (the Date of the last Pay List transmitted to the War Office being that for the Period ended the 186) and the of 186 , the Date of this Pay List.

Also, that the total Amount of the Sums disallowed in the said Decisions is credited in this Pay List, in conformity with Article 21 of the explanatory Directions, dated the 1st July 1848.

Also, that to the best of my Knowledge and Belief, both my Sureties are now living; that the Property of each is at least double that for which he is Surety; and that they respectively reside at the Places under mentioned.

Names of Sureties.	Places of Residence.

Declared and subscribed before me, at this Day of 186 . } _____ *Paymaster.* _____ *Justice of the Peace for* _____

Witnesses { _____ *Commanding Officer.* _____ *Adjutant.*

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a MILITARY ACCOUNTANT.

I HEREBY solemnly and sincerely declare, That this Account, comprised in Folios, is just and true, according to the best of my Knowledge, Information, and Belief; and I make this Declaration, conscientiously believing the same to be true.

_____ *Military Accountant.*

Declared before me, at , this Day of 18 } _____ *Justice of the Peace for* _____

Mutiny.

No.

DESCRIPTION RETURN of who was apprehended [*or* "surrendered himself," *as the Case may be*,] on the Day of and was committed to Confinement at on the Day of as a Deserter from [*insert Regiment or Corps*].

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*

——————*Signature of Prisoner.*

——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of § Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

§ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

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Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

***

Order and Discipline, be brought to a more exemplary and speedy *Punishment than* the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

1. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to make, ordain, alter, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and for regulating the Proceedings of Courts-martial, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or within the *British Isles* shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which may be inconsistent with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

2. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of

of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

3. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for Good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Provisions of this Act to extend to Jersey, &c.

4. Nothing in this Act contained shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or Misdemeanor, or of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall,

The ordinary Course of Law not to be interfered with.

shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering, &c.

5. No Person subject to this Act having been acquitted or convicted of any Crime or Offence by the Civil Magistrate or by the Verdict of a Jury shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class, or to the Rank of a Private Marine by Order of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order of the Commandant of the Division to which such Non-commissioned Officer may belong; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

6. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of or be on board any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy for the Time being, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, or on board, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations,

Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore; and with or without any Commission or Warrant from the said Lord High Admiral or the said Commissioners for that Purpose, the Officer commanding in chief or commanding for the Time being any such Marine Officers or Marines shall have Power and Authority to convene, and to authorize any Officer to convene, Courts-martial under this Act, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

7. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, or before or after any such Commission or Warrant shall be granted, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may

Place where Offenders may be tried.

be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Power of General Courts-martial.

8. Every General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer of Marines or Marine to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Powers of District or Garrison Courts-martial.

9. Every District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of Divisional and Detachment Courts-martial.

10. A Divisional or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it be found impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

11. In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Powers of Detachment General

12. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces, upon Complaint

plaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any Country in which Her Majesty's Royal Marine Forces are so serving, by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Courts-martial.

13. When it is necessary or expedient, a Court-martial composed exclusively of Officers of the Royal Marines, or a Court-martial composed of Officers of Her Majesty's Army, or of Her Majesty's *Indian* Army, or of both or of either, together with Officers of the Royal Marines, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces, may try a Person belonging to any One of the said Three Services; provided that when the Person to be tried shall belong to Her Majesty's Royal Marine Forces, then the Provisions of this Act, or of such Act as shall be then and there in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; but where the Person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's *Indian* Army, and be within the United Kingdom, then the Proceedings of such Court shall be regulated as if the Court were composed of Officers of Her Majesty's Army only, and the Provisions of the Act then and there in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; and where the Person to be tried shall belong to Her Majesty's *Indian* Army and be out of the United Kingdom, the Provisions of such Act or Acts as shall be then and there in force for punishing Mutiny and Desertion of Officers and Soldiers in Her Majesty's *Indian* Army, and the Rules and Articles of War, if any, relating to such Officers and

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

and Soldiers then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto.

If no Superior Officer of Land Forces is present in Command of a District, &c., an Officer of Marines may convene a Court-martial.

14. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as before stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

15. The President of every Court-martial shall be appointed by or under the Authority of the Officer convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

16. In

16. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection, unless allowed by Two Thirds at least of the other Officers appointed to form the Court, shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Proceedings at Trial.

17. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested; or if such Court be not sitting, then by any Judge of the

Swearing and summoning Witnesses.

Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, Sheriff or Stewart Courts in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions to be put in Evidence.

18. After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction,

diction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

No Second Trial, but Revision allowed.

19. No Officer or Marine who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

Crimes punishable with Death.

20. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces,

or

or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert from Her Majesty's Royal Marine Forces; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Commutation of Death for Penal Servitude or other Punishment.

21. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and

and with or without Solitary Confinement, as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

Embezzlement punishable by Penal Servitude, &c.

22. Any Officer or Marine, or any Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to any of Her Majesty's Forces or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks, if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained; and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences of Penal Servitude in the United Kingdom;

23. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Penal Servitude of Offenders; and such

Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland* to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England*, and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England* and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England*.

24. When-

Marine Mutiny.

24. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any other Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced or where he may come or be as aforesaid in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall, according to such Directions, undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony or in the Colony or Place to which he has been so removed or sent respectively.

Also in the Colonies.

25. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for the same or such lesser Term as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

Sentence of Penal Servitude may be commuted for Imprisonment.

26. Where

Of Forfeitures, when combined with Penal Servitude.

26. Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay shall have been added to any Sentence of Penal Servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of Convict after Sentence of Penal Servitude.

27. When any Sentence of Death shall be commuted for Penal Servitude, or when any Marine shall by Court-martial be adjudged to Penal Servitude as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

28. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Desertion or for disgraceful Conduct, Misbehaviour, or Neglect of Duty; but no Sentence of Corporal Punishment awarded by a Divisional Court-martial shall, except in the Case of Mutiny or gross Insubordination, be put in execution in Time of Peace without the Leave in Writing of the Officer commanding the Division or Station in which the Court may be held, and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

29. It

29. It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed herein-after or by the Articles of War, and in case of a Marine in addition to Corporal Punishment.

Power to inflict Corporal Punishment and Imprisonment.

30. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute Corporal Punishment.

31. It shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Divisional Rank, or both, as may be deemed expedient.

Power to commute a Sentence of cashiering.

32. Any General Court-martial may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of any Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former Good Conduct, and of all Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of

 causing

causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

33. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or found guilty by a Jury of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court

Court may award; and every Marine who may be so convicted, or who may be sentenced to Penal Servitude, or discharged with Ignominy, shall thereupon likewise forfeit all Medals which he may be in possession of, whether for Sea or Field Service or for Good Conduct, together with any Annuity or Pension or Gratuity, if any, thereto appertaining; and any Sergeant reduced to the Ranks by Sentence of Court-martial may, by the Order of the same Court, be made to forfeit any Annuity or Pension and Medal for meritorious Service, or any or either of them, which may have been conferred upon him.

Forfeiture of Pay when in Confinement;

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave.

34. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement as a Deserter by Confession or under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall

shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he *is authorized to award*, order that such Marine shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself; and in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

35. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay for such Period not exceeding Two Years, and under such Restrictions and Regulations as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay,

Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

36. Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms, or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award. **Forfeiture of Pay for Drunkenness on Duty.**

37. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good— **Stoppages.**

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal or Decoration for Service or for general Good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss, Disposal of, or Destruction of, or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed

 under

under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid: Provided also, that so much only of the Pay of the Marine may be stopped and applied as shall, after satisfying the Charges for Messing and Washing, leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

38. Whenever any Marine shall have been convicted of Desertion or of any such disgraceful Conduct as is herein-before described, and the Court in respect of such disgraceful Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or, if in the *East Indies*, for the Officer commanding in chief Her Majesty's Land Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted to Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Marking Deserters or Marines discharged with Ignominy.

39. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked, Two Inches below and One Inch in rear of the Nipple of the Left Breast, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be clearly seen and not liable to be obliterated; a Court-martial recommending that an Offender be discharged with Ignominy may also recommend that he be marked on the Right Breast with the Letters B.C., and such Recommendation may legally be carried into effect by the proper Authorities.

Power of Imprisonment by different Kinds of Courts-martial.

40. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, in no Case exceeding Fourteen Days at a Time, nor Eighty-four Days in any

any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall exceed Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

Imprisonment of Offender already under Sentence for previous Offence.

41. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or of Penal Servitude, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Term and Place of Imprisonment.

42. Save as herein specially provided, every Term of Penal Servitude or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

43. In the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison other than a Military Prison, or in any Gaol or House of Correction or elsewhere, in any Part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners

sioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Division or the District or Garrison in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than a Military Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the Officer commanding the Royal Marines there serving, in the Case of any such Prisoner, to give as often as Occasion may arise an Order in Writing, directing that the Prisoner be discharged, or be delivered over to Military or other Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial, either as a Witness or for Trial; and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction, either within the United Kingdom or elsewhere, to some other Prison or Place, either in the United Kingdom or elsewhere, the Officer or Authorities who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler, or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to Military or other Custody before the Expiration of that Time under an Order duly made for that Purpose; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, the Secretary of State for War, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military or other Custody as may be lawfully exercised by any of the Authorities above mentioned in respect of any Prisoners undergoing

going Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military or other Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place, and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Custody of Prisoners under Military Sentence in Common Gaols.

44. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

45. The

Their Subsistence in Common Gaols.

45. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine *imprisoned therein* under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem* or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem*, or such other Sum as aforesaid, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

46. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, specifying the Day and Hour of the Day on and at which he is to be released; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, or the Officer commanding at the nearest Head Quarters of the Royal Marines, or the Officer commanding Her Majesty's Ship to which any such Marine may belong, shall, by Writing under his Hand, direct that such Marine be delivered to some other Officer or Person, in which Case he shall

shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine, and if such Gaoler or other Person as aforesaid has conducted or conveyed any such Marine specifying the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of One Shilling *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

Military Prisons established under any Act for punishing Mutiny and Desertion in the Army to be deemed public Prisons.

47. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

48. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be sentenced to be cashiered: Provided that it shall

shall be lawful for Her Majesty, in all Cases whatsoever, instead of *causing a Sentence of cashiering* to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Rank as may be deemed expedient; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

Verifying of Muster Rolls.

49. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subsequent Re-enlistment.

50. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps, and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

51. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry, and to remand the said suspected Person, in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained; and if it

it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of such Fees; and that when any Person shall be apprehended and committed as a Deserter in any

such Foreign Dominions, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in such Part, or if the Detachment be in such Part, the Justice may deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law; and such Sum of Twenty Shillings, and such Fees of Two Shillings, and Two Shillings and Sixpence, and all Charges and Expenses for conducting such Deserter to any Prison or Police Station and to Head Quarters or Depôt, shall be charged against any Wages or Pay of such Deserter.

Penalty on Marines attempting to desert from Head Quarters.

52. For and in respect of any Marine attempting to desert from any Head Quarters, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

53. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Marine or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

54. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or Her Majesty's *Indian* Forces, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall

shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England* or *Ireland*, of an Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of Queen *Victoria*, intituled *An Act to consolidate and amend the Statute Law of* England *and* Ireland *relating to Larceny and other similar Offences*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof

24 & 25 Vict. c. 96.

Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

55. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure or persuade any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof before any Two Justices acting for the County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months, as the convicting Justices shall think fit.

Extension of Furlough in case of Sickness.

56. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine, not borne on the Books of any of Her Majesty's Ships or Vessels in Commission as aforesaid, and who shall be on Furlough, shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

57. Any

57. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine, or who has received Marine Enlistment Money, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards;

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

Declaration so signed and attested, and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a *certified Copy of the* above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits until they have been attested or received Pay not triable by Court-martial, but in certain Cases punishable as Rogues and Vagabonds.

65. No Recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial; but if any Recruit, previously to his being attested, shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be, when he shall be brought before them, if in *England*, to adjudge him to be a Rogue and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months; and any Marine who shall have given any false Answer at the Time of or relative to his becoming a Marine shall forfeit all Pay, Wages, and other Monies, be the same Naval, Marine, or otherwise, which he might otherwise have been entitled to for any Period of Service in the Royal Marines.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

66. Any Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable at the Discretion of the said Lord High Admiral or the said Commissioners to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Recruits absconding.

67. If any Recruit shall abscond so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose a Certificate of the Name and Place of Residence, and Description of such Recruit and of his having absconded, and shall declare the same to be true, and the Justice to whom such Certificate shall be produced shall

shall transmit a Duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the *Police Gazette.*

68. If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for War, on the Confession thereof by such Militiaman or on other Proof thereof, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State for War shall direct, and further to determine whether such Man shall be returned to his Militia Regiment after such Sum shall have been made good, or shall be deemed to be a Marine in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation, in which latter Case his Service as a Marine shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired. Militiamen enlisting into Regular Forces.

69. Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Service shall be liable to be tried for such Offence by a General Court-martial, and to be sentenced to such Punishment, other than Death or Penal Servitude, as such Court may award. Penalty on Officers offending as to Enlistment.

70. It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, or for the Officer commanding any Ship or Vessel of Her Majesty on the Books of which any Marine may be borne, or on board of which any such Marine may be, or, notwithstanding anything in this Act contained, for the Commanding Officer of any Battalion or Detachment of Royal Marines, whether borne on the Books of any One of Her Majesty's Ships or otherwise, to re-engage or enlist and attest out of *Great Britain* or *Ireland* any Marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine Forces, if such Marine be considered by such Commanding Officer, Justice, or Magistrate a fit Person to continue in Her Majesty's Service, and every such Commanding Officer, Justice, or Magistrate shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices of the Peace in the United Kingdom for all such Purposes of Enlistment and Attestation, and any Marine so re-enlisted or re-engaged shall be deemed to be an attested Marine. As to Re-enlistment abroad.

71. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall falsely state to the Apprentices enlisting to be liable to

serve after the Expiration of their Apprenticeship.

Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

72. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland* for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

73. No

73. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

No Apprentice claimed by the Master shall be taken away without a Warrant.

Punishment of Apprentices enlisting.

74. No Person who shall for Six Months, and either before or after the passing of this Act, have received Pay and be borne on the Strength and Pay List of any Division of Her Majesty's Royal Marine Forces, of which the last Quarterly Pay List (if produced) shall be Evidence, or been borne as a Marine on the Books of any of Her Majesty's Ships in Commission, shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever, but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

Removal of Doubts as to Attestation of Marines.

75. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Admiralty may order Pay to be withheld.

76. And

Billeting of Marines.

76. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, *upon the Order or Orders in Writing* in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers, Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route, Care being always taken that the Billets be made out for the less distant Houses in which suitable Accommodation can be found before making out Billets for the more distant; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in the Manner required by this Act upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or a different County in like Manner in every respect as if such Houses were all locally situated within such Place: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses

Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person or Persons having Stables, and who are by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or to enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

77. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for the

Allowance to Innkeepers.

the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain*, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, out of the Pay and Subsistence of such Officers and Marines, before any Part of the said Pay or Subsistence be paid or distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

Supply of Carriages.

78. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and

and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

79. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and

Rates for Carriages.

and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland* for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days, beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain* pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service: Provided also, that a Cart with

with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

80. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions

 whatsoever

whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

81. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act passed during the Session holden during the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

82. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

83. All Officers and Marines on Duty or on their March, being in proper Uniform, Dress or Undress, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage, or returning from

from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Prescription, Grant, or Custom, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine on Duty or on their March, who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

84. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

85. The Churchwardens of every Parish in *England* and *Ireland* and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place

Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

86. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland*, for each Horse, in such Quantities and at such Rates as herein-before provided, or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Marine or Marine Recruit

Recruit with the view of fraudulently obtaining a Billet or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

87. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate of such Conviction be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken from any Person any Money or Reward for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

88. Every Marine Officer or Marine who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouse of any Person whomsoever, in Pursuit of any Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for forcible Entry.

89. Any

Penalty for purchasing Clothes, &c. from any Marine.

89. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person acting for or on his Behalf, upon any Account or Pretence whatsoever, or who shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for Good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Spirits, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described,

described, on or with respect to which any such Offence shall have been committed, such Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon such Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law.

Penalty on unlawful recruiting.

90. Every Person (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Officers killing Game.

91. For the better Preservation of the Game and Fish in or near Places where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, shall for every such Offence forfeit the Sum of Five Pounds.

Limitations of Actions.

92. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall

shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

93. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures or Treble Value as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed in the United Kingdom; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles* or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

94. One

94. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

95. It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Licences of Canteens.

96. Any Justice in the United Kingdom within whose Jurisdiction any Marine shall be quartered on shore may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on

Mode of recording a Marine's Settlement.

on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Administration of Oaths.

Perjury.

97. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or other Person having Authority to administer Oaths and Declarations; and any Person giving false Evidence or taking a false Oath or Declaration where an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Definition of Terms.

98. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed;* and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Powers and Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether

whether *British* or Foreign, to be drunk in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drunk in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin by Retail in *Great Britain* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *Great Britain* in any private Houses or in any Canteen held or occupied under the Authority of the Admiralty, War, or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses: nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

99. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-two until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-three inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-two until the First Day of *May* One thousand eight hundred and sixty-three inclusive; and within the Garrison of *Gibraltar* and within the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-two until the First Day of *August* One thousand eight hundred and sixty-three inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the First Day of *September* One thousand eight hundred and sixty-two until the First Day of *September* One thousand eight hundred and sixty-three inclusive; and in all other Places from the First Day of *February* One thousand eight hundred and sixty-three until the First Day of *February* One thousand eight hundred and sixty-four inclusive: Provided always, that this Act shall from and after the Receipt and Promulgation thereof, in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein contained to the contrary notwithstanding.

Duration of Act.

SCHE-

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help you GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 186 .

A.B.

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Royal Marines, and if you do not come forward to [*here name some Place*] on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying *Twenty Shillings* as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representations at the Time of Attestation.

Signature of the Non-commissioned Officer serving the Notice. } _____

* At A.M. or P.M., as the Case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the Parish of in the County of , do solemnly and sincerely declare, That to the best of my Knowledge and Belief I was born in the Parish of (*a*) in or near the Town of (*b*) in the County of (*c*) , and am Years of Age; that I am of the Trade or Calling of [*or* of no Trade or Calling, *as the Case may be*]; that I am not an Apprentice; that I am married [*or* not married, *as the Case may be*]; that I do not belong to the Militia, or to the Naval Coast Volunteers, or Royal Naval Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military, Marine, or Naval Employment whatsoever, except ; that I have never been marked with the Letter D; that I have never been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit [*as the Case may be*], and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Royal Marines for the Term of [*the Blank after the Words* "Term of" *to be filled up with Twelve Years, if the Person enlisted is of the Age of Eighteen Years*

or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Twelve Years], provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Recruit.*
_____ *Signature of Witness.*

Note (*a*), (*b*), (*c*).—These blanks need not be filled up if the Recruit is unable to give the requisite Information.

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand, _____ *Signature of the Recruit.*
_____ *Witness present.*

Declared and sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of the Justice.*

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Marine.*
_____ *Signature of Witness.*

Declared before me, _____

FORM

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Marine Mutiny.

DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the Case may be*] on the Day of and was committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he† a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

***

expedient that Provision should be made so as to enable the Transfer of Stock raised in the United Kingdom on the Credit of the Revenues of *India* to the Bank of *Ireland*, and for the Registration and Transfer of and the Payment of Dividends on such Stock so transferred at such last-mentioned Bank: And whereas it is expedient to make Provision for the mutual Transfer of such Stock from and to the Bank of *England* and the Bank of *Ireland* respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Expression "India Stock."

1. In this Act the Expression "*India* Stock" means Stock created or to be created for the raising of Money in the United Kingdom on the Credit of the Revenues of *India*, but does not include the Stock commonly known by the Name of *East India* Stock.

Power to transfer India Stock from the Books of the Bank of England to the Books of the Bank of Ireland.

2. From and after the passing of this Act it shall and may be lawful for any Person or Persons holding any *India* Stock transferable at the Bank of *England*, upon making Application in the Manner herein-after provided, to transfer or cause to be transferred such Stock, for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of *Ireland*, and to be transferable at such Bank; and the Dividends on the Stock so transferred shall be payable half-yearly at the Bank of *Ireland* on the same Days on which such Dividends would have been payable at the Bank of *England* if the said Stock had never been so transferred.

Assignments or Transfers of Stock so transferred may be made at the Bank of Ireland.

3. The several Stocks so transferred, or any Share or Interest therein, and the proportional Dividend attached thereto respectively, shall be assignable and transferable at the Bank of *Ireland*, as directed by this Act, and not otherwise; and there shall be kept at the Bank of *Ireland* within the City of *Dublin* a Book or Books wherein all Assignments or Transfers of any Part of the several Stocks and the proportional Dividends attached thereto respectively shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent by his, her, or their Attorney or Attornies, thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses, and the Person or Persons to whom any such Assignment or Transfer shall be made, or, in case of Absence, his, her, or their Attorney or Attornies thereunto lawfully authorized as aforesaid, shall respectively underwrite his, her, or their Acceptance thereof; and no other Method of assigning or

or transferring any such Stock and the Dividend attached thereto, or any Interest therein, at the Bank of *Ireland*, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged upon the said Assignments or Transfers or any of them.

4. It shall and may be lawful for any Person or Persons holding any *India* Stock transferable at the Bank of *Ireland*, upon making Application in the Manner herein-after provided, to transfer or cause to be transferred such Stock, for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of *England*, and to be transferable at such Bank.

Power to transfer India Stock from the Books of the Bank of Ireland to the Books of the Bank of England.

5. Notwithstanding anything herein-before contained to the contrary, it shall not be lawful for any Person to make any Transfer of any Stock from the Bank of *England* to the Bank of *Ireland*, or from the Bank of *Ireland* to the Bank of *England*, under the Provisions of this Act, at any Time within Three clear Days before the Day on which the Books shall be closed for the Purpose of striking the Balances of the several Accounts for the Purpose of calculating the half-yearly Dividend, or within such other Period as the Governor and Company of the Bank of *England*, in concurrence with the Governor and Company of the Bank of *Ireland*, may from Time to Time prescribe.

No Transfer shall be made within a certain Period before the closing Day.

6. Any Person or Persons holding *India* Stock transferable at the Bank of *England* or at the Bank of *Ireland* respectively, and desiring to transfer the same so as to make such Stock transferable at the Bank of *Ireland* or at the Bank of *England* respectively, shall apply in Writing, or cause Application in Writing to be made by some Person on his, her, or their Behalf, to the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively at which such Stock shall be transferable, for Permission to transfer or cause to be transferred such Stock for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of *Ireland* or into the Books of the Governor and Company of the Bank of *England* respectively, as the Case may require, and such Application shall be according to such Form as shall be established by the Governor and Company of the Bank of *England* in concurrence with the Governor and Company of the Bank of *Ireland*, and shall be the same in all Cases, and upon such Application having been made, and upon such Person or Persons transferring the Stock or causing the same to be transferred into the Name of the Accountant General of the Bank of *England* or Bank of *Ireland* respectively, at which it shall be desired that such Stock shall

Application to be made to the Banks of England and of Ireland for Permission to transfer from the one to the other, and upon such Transfers being made Certificates to be granted.

shall be transferred, it shall and may be lawful for the Governor or Deputy Governor of the Bank of *England* or for the Governor or Deputy Governor of the Bank of *Ireland*, as the Case may require, or for the Accountant General or Deputy Accountant General of such Governor and Company, or for the Secretary or Assistant Secretary of such Governor and Company for the Time being, and they are hereby respectively authorized and required to grant a Certificate to the Person or Persons making such Transfer, or on whose Behalf such Transfer shall have been made directed to the Governor and Company of the Bank of *Ireland* or the Governor and Company of the Bank of *England* to which it shall be desired that such Stock shall be transferred, and such Certificate shall be according to such Form as shall be established by the Governor and Company of the Bank of *England*, in concurrence with the Governor and Company of the Bank of *Ireland*, and shall be the same in all Cases; and such Certificate shall state that the Person or Persons therein mentioned has or have transferred or caused to be transferred at the Bank of *England* or the Bank of *Ireland*, as the Case may be, the Stock therein described, to the Accountant General of the Bank of *England* or the Bank of *Ireland*, as the Case may be, for the Purpose of having the Amount of such Stock written in the Name or Names of such Person or Persons into the Books of the Governor and Company of the Bank of *Ireland* or of the Governor and Company of the Bank of *England*, as the Case may be, and shall describe such Stock, and specify the Amount thereof, and thereupon the Amount of the Stock comprised in such Certificate shall be written off the Account of the Accountant General of the Bank of *England*, or the Account of the Accountant General of the Bank of *Ireland*, by an Entry made in conformity with such Certificate.

Notices of Transfers to be sent to the Bank into which the Stock is to be transferred.

7. In every Case where any Transfer for the Purposes of this Act shall be made at the Bank of *England* the Governor and Company of the said Bank shall cause Notice thereof to be transmitted to the Governor and Company of the Bank of *Ireland* on the same Day on which such Transfer shall be made; and in like Manner in every Case where any Transfer for the Purposes of this Act shall be made at the Bank of *Ireland* the Governor and Company of the Bank of *Ireland* shall cause Notice thereof to be transmitted to the Governor and Company of the Bank of *England* on the same Day on which such Transfer shall be made.

Books to be provided for entering Transfers under this Act at the

8. A Book or Books shall be provided and kept by the Governor and Company of the Bank of *England* and the Governor and Company of the Bank of *Ireland* at the Bank of *England* and Bank of *Ireland* respectively, in which shall be fairly entered the Names of all

all Persons making any Transfer of any Stocks to the Accountant General of the said Banks respectively, under the Provisions of this Act, to which Book or Books it shall and may be lawful for all Persons making any such Transfer, their respective Executors, Administrators, and Assigns, from Time to Time and at all reasonable Times to resort, and to inspect the same, without any Fee or Charge.

Banks of England and Ireland respectively.

9. Whenever any Transfer shall be made of any Stock for the Purposes of this Act at the Bank of *England* or at the Bank of *Ireland* respectively, then and in every such Case, upon the Production of a Certificate of the Governor or Deputy Governor of the Bank of *England* or of the Governor and Company of the Bank of *Ireland* at which any such Transfer shall have been made, or of the Accountant General or Deputy Accountant General, or of the Secretary or Assistant Secretary of such Governor and Company respectively, granted according to the Directions of this Act, the Governor and Company of the Bank of *Ireland* or the Governor and Company of the Bank of *England* respectively are hereby authorized and required to write or cause to be written into the Books of such Bank of *Ireland* or Bank of *England* respectively, as the Case may require, relating to Stock of the same Denomination, the Amount of Stock specified in such Certificate; and such Amount of Stock shall be written accordingly, transferable under the Provisions of this Act at the Bank of *Ireland* or Bank of *England* respectively, as the Case shall require, and shall be payable and transferable at such Bank of *England* or Bank of *Ireland* respectively; and every such Amount of Stock so written into the Books of the Bank of *Ireland* or of the Bank of *England* respectively shall be entitled to Interest or Dividend payable at the Bank to which such Transfer shall have been made, except as to Stock which shall have been transferred after the closing and before the Dividend shall become payable, in which Case the Party making the Transfer shall receive the current Dividend at the Bank from which such Transfer shall have been made.

On Production of Certificate from the Bank where the Transfer is made, the Bank to which the Transfer is made shall write the Amount of Stock into their Books.

10. The Governor and Company of the Bank of *England* and the Governor and Company of the Bank of *Ireland*, upon making up their Books preparatory to the Payment of each and every half-yearly Interest or Dividend upon any Stocks transferable under this Act, shall certify to the Secretary of State in Council of *India*, or to such Officer or Officers as the Secretary of State in Council of *India* shall direct, the Amounts of such Stocks which shall then be written in the Books of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, and shall be transferable at such Banks respectively under the Provisions of this Act; and upon the Receipt of such Certificates the Secretary of State in Council of *India* is hereby authorized and required

Banks of England and of Ireland to certify to the Secretary of State in Council of India the Amount of Stock written in their Books prior to Dividend, and the Interest to be paid to them by such Secretary of State.

required to pay to the Governor and Company of the Bank of *England* and to the Governor and Company of the Bank of *Ireland*, or into the Bank of *England* to the Account of the Governor and Company of the Bank of *Ireland*, respectively, the Amount of all Interest or Dividends then being or becoming payable upon such Amounts of Stocks as are specified in such Certificates respectively.

Remuneration for Services under this Act to be paid to the Bank of Ireland.

11. In addition to the Amount of Interest or Dividend which shall from Time to Time be paid to the Governor and Company of the Bank of *Ireland* under the last Provision, the Secretary of State in Council of *India* shall at the same Time pay to the Governor and Company of the Bank of *Ireland*, or to the Account of such Governor and Company at the Bank of *England*, as a Remuneration for their Services in the Execution of this Act, such Sum as shall from Time to Time be fixed as the Amount of such Remuneration under any Arrangement or Agreement to be made between the Secretary of State in Council of *India* and the Governor and Company of the Bank of *Ireland*.

Duplicates may be granted of Certificates lost or destroyed.

12. In case of the Loss or Destruction of any Certificate of the Governor or Deputy Governor, Accountant General, or Deputy Accountant General, Secretary or Assistant Secretary of the Bank of *England* or of the Bank of *Ireland* respectively, granted for the Purposes of this Act, it shall and may be lawful for any such Governor or Deputy Governor, Accountant General or Deputy Accountant General, Secretary or Assistant Secretary, and they are hereby respectively authorized and empowered, upon Proof of such Loss or Destruction to their Satisfaction, to grant a Duplicate of such Certificate, and such Duplicate shall be full and sufficient Authority for the Purposes of this Act, and shall stand in the Place and Stead of the original Certificate, if such original Certificate shall not have been previously found and acted upon: Provided always, that upon any Loss or Destruction or alleged Loss or Destruction of any such original Certificate, and on the Production of any such Duplicate Certificate, it shall and may be lawful for the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland* respectively, and they are hereby authorized and required, to demand and take from the Party or Parties tendering any such Duplicate full and sufficient Security to Her Majesty, Her Heirs and Successors, to indemnify such Governor and Company against the Production of or any Claim which shall be made under or by virtue of any such original Certificate so lost or destroyed, or alleged to have been lost or destroyed; and if at any Time after the Time when a duplicate Certificate shall have been produced and acted upon under this Act the Original of such Certificate shall be tendered

to

to the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, it shall and may be lawful for such Governor and Company and they are hereby authorized and required to detain such original Certificate, and to cancel the same, and to transmit the same so cancelled to the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, as the Case may be, by or on whose Behalf such Certificate shall have been given, and to deliver up such Security as shall have been entered into touching the said original Certificate to the Party or Parties entering into such Security, or such of them as shall require the same.

Power to Bank of Ireland to close Books for Transfer.

13. The Governor and Company of the Bank of *Ireland* shall be at liberty to close their Books for Transfer of *India* Stock on any Day in the Month prior to the Days for Payment of the half-yearly Dividends on such Stock, such Day to be fixed or agreed on between the Bank of *England* and the Bank of *Ireland*; provided, however, that the Period for which the same shall be closed shall not exceed Fifteen Days, and the Person or Persons who on the Day of such closing shall appear in the said Books to be the Proprietor or Proprietors thereof shall be entitled to the current Dividend thereon.

Persons forging, &c. Certificates guilty of Felony.

14. If any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting any Certificate or duplicate Certificate required by this Act, or shall alter any Number, Figure, or Word therein, or shall utter or publish as true any such false, forged, counterfeited, or altered Certificate, with Intent to defraud the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, or any Body Politic or Corporate, or any Person or Persons whomsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being convicted thereof in due Form of Law, shall be adjudged guilty of Felony.

No Fee, &c. to be taken for receiving Certificates, or paying Dividends, &c. on Penalty of 20*l.*, with Costs of Suit.

15. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving any such Certificate or duplicate Certificate, or for paying Interest or Dividend, or for any Transfer of any Sum to be made in pursuance of this Act, upon Pain that any Officer or Person offending by taking or demanding any such Fee or Reward or Gratuity shall for every such Offence forfeit

forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster* or *Dublin* respectively.

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Cloth of Cotton, Silk, Wool, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, including the Occupation of Bleaching by the open-air Process as defined in the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Seventy-eight, and in One or more of which Processes Steam or Water or other mechanical Power is used or employed, it shall not be lawful to employ Females, young Persons, and Children, or any of them, during the Night, that is to say, from Eight of the Clock in the Evening to Six of the Clock in the Morning, excepting to recover lost Time in the Manner provided by "The Bleaching and Dyeing Works Act," Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-eight.

Application of Powers, &c. of 7 & 8 Vict. c. 15. to this Act.

2. For the due Enforcement of this Act, there shall be applicable all the Powers, Provisions, and Penalties of the Act of the Seventh and Eighth Years of *Victoria*, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories.*

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CAP. IX.

An Act to enable the Trustees of Sir *John Soane*'s Museum to send Works of Art to the International Exhibition, 1862.

[11th *April* 1862.]

WHEREAS by a Private Act passed in the Third Year of the Reign of King *William* the Fourth, Chapter Four, and intituled *An Act for settling and preserving Sir* John Soane's *Museum, Library, and Works of Art in* Lincoln's Inn Fields *in the County of* Middlesex, *for the Benefit of the Public, and for establishing a sufficient Endowment for the due Maintenance of the same*, a Museum was established in *Lincoln's Inn Fields* by the late Sir *John Soane*, of *Chelsea* in the County of *Middlesex*, for the Preservation and Maintenance for public Use of, among other valuable Effects, the *Belzoni* Sarcophagus, a Library of Books and Manuscripts, Prints, Drawings, Pictures, Models, and various other Works of Art that had been collected by him: And whereas the said Works of Art are vested in a Body of Trustees incorporated by the said Act, under the Name of "The Trustees of Sir *John Soane*'s Museum:" And whereas Doubts are entertained whether the said Trustees have Authority under the said Act to lend any of the Works of Art belonging to the said Museum for the 3 & 4 W. 4. c. 4. (*Priv.*)

Purpose of being exhibited at the International Exhibition, 1862; and it is expedient that such Doubts should be removed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Trustees to lend Works of Art for Exhibition.

1. It shall be lawful for the Trustees of Sir *John Soane*'s Museum, without being deemed guilty of a Breach of Trust or incurring any Responsibility, to lend to the Commissioners for the Exhibition of 1862, for the Purposes of being exhibited at the said Exhibition, the Pictures, Prints, and other Works of Art belonging to the said Museum, or any of them.

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Industrial Schools Acts (1861) *Amendment.*

Continuance of recited Acts and of Orders made under the same.

1. "The Industrial Schools Act, 1861," and "The Industrial Schools (*Scotland*) Act, 1861," shall respectively continue in force until the First Day of *January* One thousand eight hundred and sixty-seven, and no longer: Provided that all Orders made or to be made under either of the said Acts before the First Day of *January* One thousand eight hundred and sixty-seven, and all the Provisions of the said Acts, so far as is necessary for giving complete Effect to such Orders, shall continue in force after the First Day of *January* One thousand eight hundred and sixty-seven, in the same Manner in all respects as if the Duration of the said Acts were not limited to the First Day of *January* One thousand eight hundred and sixty-seven.

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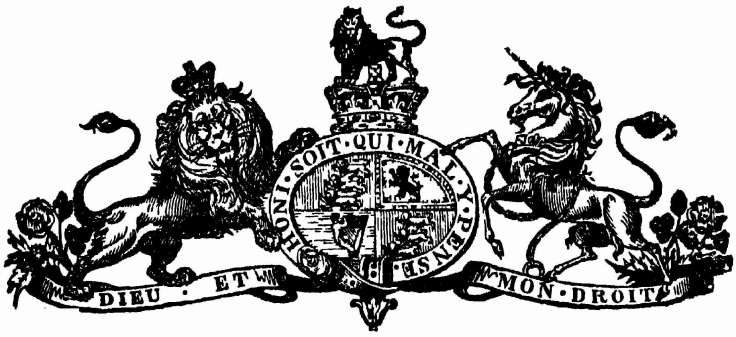

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Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereupon should be signified: And whereas Acts have been passed for the above Purposes in each of the said Colonies as well by the said first-mentioned Legislative Councils as by the Councils and Houses of Representatives or other separate Legislative Houses established instead of such Legislative Councils: And whereas Doubts have been entertained whether some Acts so passed may not be invalid by reason that the same were not reserved for the Signification of Her Majesty's Pleasure, or laid before both Houses of Parliament, as herein-before mentioned: And whereas Provision is made in some of the said Acts passed in the said Colonies respectively for subsequent Changes in the Constitution or Mode of Election or Appointment of the several Bodies composing the Colonial Legislature, subject to Provisions requiring that any Acts or Act for that Purpose should be reserved for the Signification of Her Majesty's Pleasure thereon, and under such Powers certain Acts have been passed by the said Colonial Legislatures, or some of them, as to the Validity of which Doubts have arisen by reason that the same were not reserved for the Signification of Her Majesty's Pleasure thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts passed by certain Legislative Councils, and assented to by Governors, to be as effectual as if reserved for Her Majesty's Assent.

1. Every Act passed for the Purposes mentio[illegible]l in the said first-recited Act, or any of them, by the Legislative [illegible]il of any of the said Colonies, and assented to in Her Maj[illegible]ame by the Governor of such Colony, shall be deemed to [illegible] to have been from the Date of such Assent as valid and effe[illegible]al for all Purposes whatever as if the same Act had been reserved for the Signification of Her Majesty's Pleasure, and as if the same had been duly laid before both Houses of Parliament, and as if Her Majesty's Assent had been duly given to the same, and signified in the Colony at the Date aforesaid.

The Term "Council" to apply only to such Legislative Councils.

2. And be it further declared and enacted, The Term Council in the above-recited Proviso of the said first-recited Act shall be deemed to apply only to the Legislative Councils herein-before first mentioned.

Acts passed for altering Constitution of Legislative Bodies, so assented to, deemed valid.

3. And be it further enacted, That every Act passed by any Colonial Legislature established under any such Acts or Act as aforesaid, for altering the Constitution or Mode of Election or Appointment of any or either of the Legislative Bodies composing such Legislature, which may have been at any Time heretofore assented to in Her Majesty's

Majesty's Name by the Governor of the Colony in which the same shall have been passed, shall be deemed to be and to have been from the Date of such Assent as valid and effectual for all Purposes whatever as if the same Act had been reserved for the Signification of Her Majesty's Pleasure thereon, and as if Her Majesty's Assent had been duly given to the same, and signified in the Colony at the Date last aforesaid.

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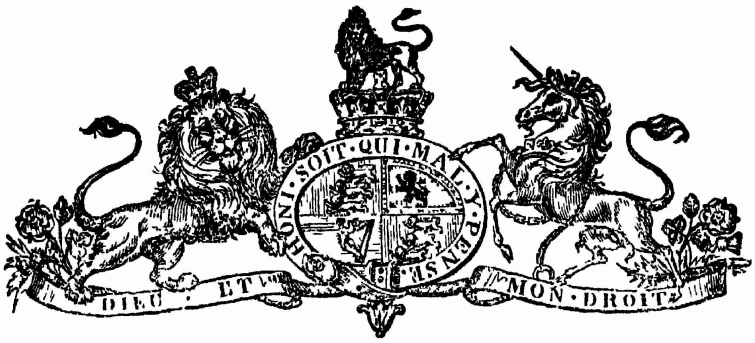

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CAP. XII.

An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two.

[29th *April* 1862.]

WHEREAS it is expedient that such Protection as is hereinafter mentioned should be afforded to Persons desirous of exhibiting new Inventions or new Designs at the International Exhibition of Industry and Art to be held in the present Year, under the Direction of "The Commissioners for the Exhibition of 1862:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Protection of Inventions and Designs Amendment Act, 1862." Short Title.

Protection of new Inventions.

2. The Exhibition of any new Invention at the said International Exhibition shall not, nor shall the Publication, during the Period of the Exhibition of new Inventions not

to prejudice Patent Rights.

the holding of such Exhibition, of any Description of such Invention, nor shall the User of such Invention, under the Direction of the said Commissioners, prejudice the Right of any Person to register provisionally such Invention, or invalidate any Letters Patent that may be granted for such Invention.

Protection of Designs.

Exhibition of Designs not to prejudice Provisional Registration.

3. The Exhibition at the International Exhibition of any new Design capable of being registered provisionally under the Designs Act, 1850, or of any Article to which such Design is applied, shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Design, prejudice the Right of any Person to register provisionally or otherwise such Design, or invalidate any Provisional or other Registration that may be granted for such Design.

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any Time or Times, but not later than the Thirty-first Day of *March* One thousand eight hundred and sixty-three, to cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of One million Pounds, and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding Four Pounds *per Centum per Annum*, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Date of such Bonds.

Interest on Bonds, and Repayment of Principal Money.

2. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Money as shall be provided by Parliament in that Behalf.

Treasury may cause Exchequer Bonds to be prepared and issued.

3. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid, provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by

by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the *London Gazette*.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

4. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and be construed to and in relation to the Exchequer Bonds to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

Money raised to be paid to the Consolidated Fund.

5. All such Sums of Money as shall be raised by Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England*, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Exchequer Bonds may be delivered to Persons authorized by the Treasury.

6. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bonds made out in pursuance of this Act as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of One million Pounds, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bonds as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bonds on proving to the Satisfaction of the Commissioners for auditing the Public Accounts that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bonds to such Person or Officer except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of *England* as aforesaid.

Bank of England may advance 1,000,000*l.* on the Credit of Bonds, and Commissioners of National Debt may invest Money on

7. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of One million Pounds (anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act, to the contrary thereof

account of Savings Banks in Purchase of Bonds.

thereof in anywise notwithstanding); and also for the Commissioners for the Reduction of the National Debt to invest, in the Purchase of Exchequer Bonds issued under the Authority of this Act, any Money in their Hands on account of Savings' Banks.

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ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

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for and on behalf of Her Majesty, where Judgment shall be given for the Crown, in the same Manner and under the same Rules, Regulations, and Provisions as were or might be in force touching the Payment or Receipt of Costs in Proceedings between Subject and Subject, and that such Costs should be paid into the Exchequer, and should become Part of the Consolidated Fund; and it was also enacted, that if in any such Information, Action, Suit, or other Proceeding Judgment should be given against the Crown, the Defendant or Defendants should be entitled to recover Costs in like Manner and subject to the same Rules and Provisions as though such Proceeding had been had between Subject and Subject; and that it should be lawful for the Commissioners of Her Majesty's Treasury and they were thereby required to pay such Costs out of any Monies which might be thereafter voted by Parliament for that Purpose: And whereas it is expedient that the Provisions of the said Act should be extended to the *Isle of Man:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sects. 1. and 2. of Act 18 & 19 Vict. c. 90. to apply to the Isle of Man,

1. The First and Second Sections of the said recited Act shall extend and apply to the *Isle of Man;* and the Words "Her Majesty's Attorney General" contained in the same Act shall, as regards Informations, Actions, Suits, and other legal Proceedings in the *Isle of Man,* be construed to mean Her Majesty's Attorney General for the *Isle of Man.*

except in regard to existing Suits

2. Provided always, That nothing contained in the recited Act or in this Act shall apply to any Information, Action, Suit, or other Proceeding filed or commenced before the passing of this Act.

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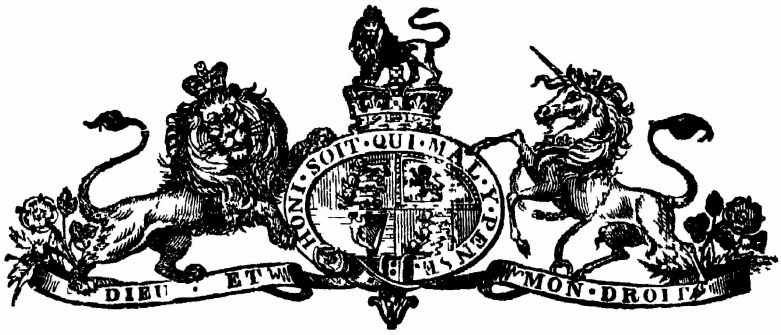

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XV.

An Act to define the Powers of the President and Fellows of the King and Queen's College of Physicians in *Ireland* with respect to the Election of its Fellows. [16th *May* 1862.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His late Majesty King *George* the Third, Chapter Eighty-four, it is amongst other things enacted, in the Forty-second Section thereof, that no Person shall be capable of being elected a Fellow of the College of Physicians (incorporated by the Name of the President and Fellows of the King and Queen's College of Physicians in *Ireland*) who shall not have taken the Degree of Bachelor or Master in Arts or Doctor in Physic in One of the Universities in *Dublin*, *Oxford*, or *Cambridge*, unless the Number of Fellows shall at any Time be reduced to Six, in which Case only, whenever it may happen, such Qualification of the Degree of Bachelor or Master in Arts or Doctor of Physic may be dispensed with respectively: And whereas under the Charter which had been granted to the said College of Physicians in the Fourth Year of the Reign of King *William* and Queen *Mary*, the said College was empowered to elect to the Fellowship thereof without Restriction such of its Licentiates as it deemed deserving of such Distinction: 40 G. 3. c. 84. (I.)

 And

And whereas the said Restriction imposed by the said recited Act is unjust to Universities and Colleges other than those of *Dublin*, *Oxford*, or *Cambridge*, and it is expedient that the same should be repealed, and that the said President and Fellows of the said College should be enabled to elect to the Fellowship thereof such of its Licentiates as are Graduates in Arts of any University of the United Kingdom of *Great Britain* and *Ireland*, and also such of its Licentiates as may appear to them to merit such Distinction by reason of their personal and professional Attainments: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

1. This Act shall commence and take effect from and after the First Day of *September* One thousand eight hundred and sixty-two.

From Commencement of Act, Part of 40 G. 3. c. 84. s. 42. (I.) repealed.

2. From and after the Commencement of this Act, so much of the said recited Act as provides that no Person shall be capable of being elected a Fellow of the said College of Physicians in *Ireland* who shall not have taken the Degree of Bachelor or Master in Arts or Doctor in Physic in One of the Universities of *Dublin*, *Oxford*, or *Cambridge*, unless the Number of Fellows shall at any Time be reduced to Six, in which Case only, whenever it may happen, such Qualification of the Degree of Bachelor or Master in Arts or Doctor in Physic may be dispensed with respectively, shall be repealed.

Defining Powers of College with respect to Admissions to its Fellowships.

3. From and after the Commencement of this Act it shall be lawful for the President and Fellows of the King and Queen's College of Physicians in *Ireland* to elect to the Fellowship of the said College such of its Licentiates as are Graduates in Arts or Doctors in Physic of any University of the United Kingdom of *Great Britain* and *Ireland*, or of any Foreign University, and also such of its Licentiates, not being such Graduates in Arts or Doctors in Physic, as, under such Limitations as to them may seem fit, may appear to the said President and Fellows to merit such Distinction.

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CAP. XVI.

An Act for extinguishing certain Rights of Way through the *Netley Hospital* Estate in the Parish of *Hound* in the County of *Southampton*.

[16th *May* 1862.]

WHEREAS the *Netley Hospital* Estate in the Parish of *Hound* in the County of *Southampton* was purchased under the "Defence Act, 1842," and the "Ordnance Board Transfer Act, 1855," and is now vested in Her Majesty's Principal Secretary of State for the War Department in trust for Her Majesty, and a Hospital has since been erected thereon for the Reception of wounded or sick Soldiers of Her Majesty's Army: And whereas the said Estate is subject to certain Rights of Way for Foot Passengers, which, if they were suffered to remain, would very much interfere with and impede the useful Purposes intended to be effected by the Purchase of the Estate and the Erection of the Hospital thereon, and it is therefore expedient that all such Rights of Way should be extinguished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

 1. That

Netley Hospital Estate.

Certain Rights of Way over Netley Hospital Estate extinguished.

1. That from and after the passing of this Act all Rights of Way through or over the said Estate shall cease, and the said Principal Secretary shall stop up or cause to be stopped up the said Ways, and thereupon public Notice shall be given of the stopping up thereof, by Advertisement in the *London Gazette* and in some local Newspaper published or circulating in the County of *Southampton*, and shall be affixed on the outer Door of the Church of the said Parish, or some other public Place in the said Parish.

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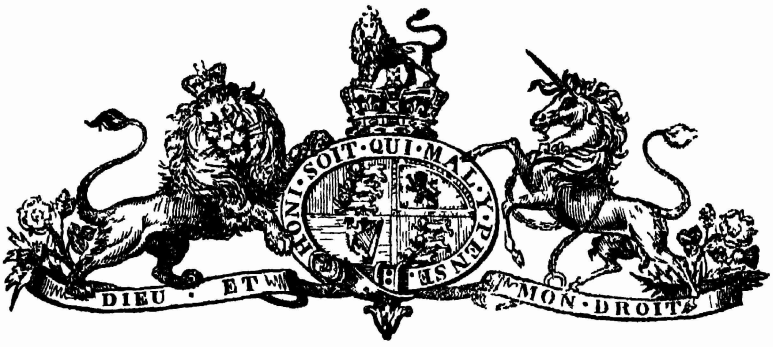

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Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Time for Enrolment of Deeds and Assurances.

1. The Enrolment of every Deed, Assurance, and Instrument which shall be enrolled before the Seventeenth Day of *May* One thousand eight hundred and sixty-four shall, for the Purposes of the said Act, have the same Force and Effect which it would have had if such Enrolment had been within Twelve Calendar Months next after the passing of the said Act.

Recited Act comprises all Lands whether of Freehold or of Customary or Copyhold Tenure.

2. And whereas by the said Act it is enacted that certain Assurances to be thereafter made *bonâ fide* on a Sale for a full and valuable Consideration should not be deemed null and void by reason of the Consideration consisting wholly or partly of a Rent, Rentcharge, or other annual Payment reserved as therein mentioned, and Doubts have arisen whether the said Enactment refers to any Hereditaments not of Copyhold or Customary Tenure: Be it therefore declared and enacted, That the said Enactment comprises and extends to all Hereditaments whether of Freehold or of Customary or Copyhold Tenure, and to every Estate and Interest therein.

As to Deeds, &c. executed prior to passing of recited Act.

3. No Deed, Assurance, or Instrument executed previously to the passing of the said Act shall, for the Purposes thereof, require Acknowledgment prior to Enrolment.

Acts to apply to Cases where separate Deed executed as well after as before passing of recited Act.

4. And whereas it is by the Fourth Section of the said Act enacted, that where the Charitable Uses of any such Deed or Assurance for Conveyance as is therein mentioned had been declared by any separate Deed or Instrument, then, if neither of the said Deeds or Instruments had been enrolled, it should not be necessary to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance should be void, unless such other separate Deed or Instrument should be enrolled within such Time as therein mentioned: And whereas it may happen that such Deed or Assurance of Conveyance may have been executed before the passing of the said Act, but the separate Deed or Instrument declaring the Charitable Uses may not have been executed until after the passing of the said Act: Be it therefore enacted, That the said Act and this Act shall be taken to apply as well to Cases where such separate Deed or Instrument shall be or shall have been executed after as to Cases where it may have been executed before the passing of the said Act; provided only that, if not already executed, it be executed within Six Months next after the passing of this Act.

Provision as to Money expended

5. In all Cases in which Money shall have been really and *bonâ fide* expended before the passing of this Act, in the substantial and permanent

permanent Improvement, by building or otherwise, for any Charitable Use, of Land of any Tenure whatsoever, of which Possession is now held by virtue of any Deed or Assurance conveying or purporting to convey the same, or declaring any Trusts or Trust thereof for such Charitable Use, all Money so expended shall be deemed, for the Purposes of the said Act, equivalent to Money actually paid by way of Consideration for the Purchase of the said Land.

before passing of Act in permanent Improvements.

6. Nothing in this Act contained shall extend to render null and void any Deed or Assurance already good and valid.

Act not to invalidate any Deed.

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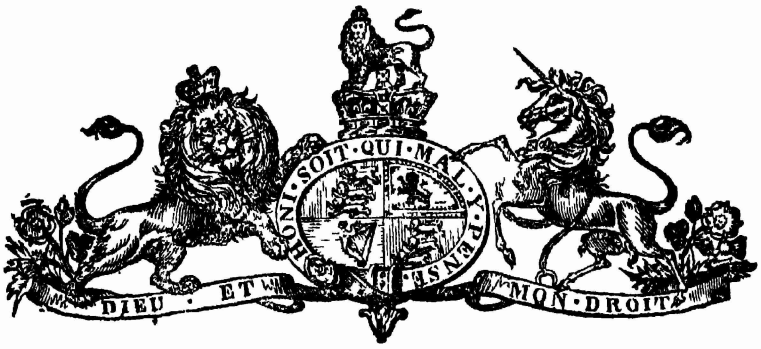

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CAP. XVIII.

An Act to amend the Law as to the whipping of Juvenile and other Offenders.

[16th *May* 1862.]

WHEREAS it is expedient to amend the Law relating to the whipping of Offenders: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Regulation as to the whipping of Juvenile Offenders.

1. Where the Punishment of Whipping is awarded for any Offence by Order of One or more Justice or Justices made in exercise of his or their Power of summary Conviction, or in *Scotland* by the Court of Justiciary, or by any Sheriff or Magistrate, the Order, Sentence, or Conviction awarding such Punishment shall specify the Number of Strokes to be inflicted and the Instrument to be used in the Infliction of them, and in the Case of an Offender whose Age does not exceed Fourteen Years, the Number of Strokes inflicted shall not exceed Twelve, and the Instrument used shall be a Birch Rod.

Whipping.

Restriction as to Whippings in Scotland, &c.

2. No Offender shall be whipped more than once for the same Offence, and in *Scotland* no Offender above Sixteen Years of Age shall be whipped for Theft, or for Crime committed against Person or Property.

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Schedule (B.) Part I.

Persons are herein-after called the Promoters, shall in the Months of *October* and *November*, or either of them, immediately preceding the Application for the Provisional Order, publish Notice of their Intention by Advertisement according to the Regulations contained in Schedule (B.) Part I. to this Act.

Deposit of Documents, in Schedule (B.) Part II.

4. On or before the Thirtieth Day of *November* immediately preceding the Application for the Provisional Order, the Promoters shall deposit the Documents described in Schedule (B.) Part II. to this Act, according to the Regulations therein contained.

Subsequent Deposit of Documents, in Schedule (B.) Part III.

5. On or before the Twenty-third Day of *December* in the same Year, the Promoters shall deposit the Documents mentioned in Schedule (B.) Part III. to this Act, according to the Regulations therein contained.

II.—Future or pending Applications for Provisional Orders.

Extent of Part II. of Act.

6. The Provisions of this Part of this Act shall apply to every Provisional Order of the Board of Trade on any Application already made or to be hereafter made.

Works.

Approval of Works by Admiralty.

7. Before commencing the Construction of any Part of the Works authorized by a Provisional Order, the Undertakers shall deposit at the Admiralty Office Working Drawings of the whole Works for the Approval of the Lords of the Admiralty: The Works shall not be constructed otherwise than in accordance with such Approval. After the same are commenced or constructed the Undertakers shall not alter or extend the same without first obtaining the like Approval. If any Work be commenced, constructed, altered, or extended contrary to this Provision, the Lords of the Admiralty may, at the Expense of the Undertakers, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Abandonment, Disuse, &c. of Works.

8. If any Work authorized by any Provisional Order be abandoned or suffered to fall into Disuse or Decay, the Lords of the Admiralty may, if and as they think fit, at the Expense of the Undertakers, either repair and restore such Work or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Power to Admiralty to cause Local Survey to be made.

9. The Lords of the Admiralty may at any Time, at the Expense of the Undertakers, cause to be made a Local Survey and Examination of the Works authorized by any Provisional Order, or of the Site thereof.

10. Whenever

10. Whenever the Lords of the Admiralty, under the Authority of this Act, do any Act or Thing in relation to any Works authorized by any Provisional Order, which they are by this Act authorized to do at the Expense of the Undertakers, the Amount of such Expense shall be a Debt due to the Crown from the Undertakers, and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is or may be recoverable from the Undertakers.

Recovery of Expenses from Undertakers.

11. During the Construction of the Works the Undertakers shall, at their own Expense, exhibit and keep burning every Night from Sunset to Sunrise such Lights for the Guidance of Vessels as the Lords of the Admiralty shall from Time to Time require or approve of: If the Undertakers refuse or neglect to comply with this Provision, they shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

Lights to be exhibited at Night during Construction of Works.

12. The Works authorized by any Provisional Order shall be completed within Five Years after the passing of an Act confirming the Provisional Order, or within such other Time as the Provisional Order may direct; and on the Expiration of that Period the Powers by the Order given to the Undertakers for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Limitation of Time for Completion of Works.

Rates.

13. On Payment of the Rates payable under a Provisional Order, and subject to the Provisions of the Principal Act and this Act and the Provisional Order, the Pier or Harbour to which the Provisional Order relates and its Approaches shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers, and such Persons and Passengers shall have unobstructed Ingress, Passage, and Egress into, along, through, and out of the same.

Pier, &c. open to Public on Payment of Rates.

14. Where the Undertakers are a Company incorporated by the Provisional Order for the Purposes of the Undertaking, then if at any Time it appear to the Board of Trade that the clear annual Profits divisible on the subscribed and paid-up Capital of the Company, on the Average of the then Three last preceding Years, amount to or exceed the Rate of Ten *per Centum per Annum* on the nominal Value of the Shares, the Board of Trade may, if in their Discretion they think fit, require the Company to reduce the Rates received by them to such Extent as may to the Board of Trade seem fit: If the Company refuse or neglect to comply with any such Requirement, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day during which such Refusal or Neglect shall continue: Provided that if at any subsequent Time the Profits fall below the said Rate of Ten

Power to Board of Trade to revise Rates.

Ten *per Centum per Annum* the Company may, with the Sanction of the Board of Trade again raise the said Rates to an Amount not exceeding the Amount authorized by the Provisional Order.

Company to send Copy of annual Account in abstract as to Rates, Vessels, &c. to Board of Trade.

15. Where the Undertakers are a Company as aforesaid, the Company, within One Month after sending to the Clerk of the Peace for the County the Copy of their annual Account in abstract, shall send a Copy of the same to the Board of Trade, who shall forward a Copy to any Persons who may require the same: If the Company refuse or neglect to comply with this Provision, they shall for every such Refusal or Neglect be liable to a Penalty not exceeding Twenty Pounds.

As to Audit of Accounts on Complaint to Board of Trade.

16. If, on Complaint in Writing by any Person interested, it appear to the Board of Trade that there is reasonable Ground for believing that such last-mentioned Account has not been duly kept, or that any Rates have been improperly or unfairly levied by the Company, or have not been applied in accordance with the Order, then the following Provisions shall take effect:

(1.) The Board of Trade may appoint an Auditor to audit and examine such Account, and inquire into the Matters complained of, and report to the Board of Trade on such Account and Matters:

(2.) The Company shall on Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and Documents, and afford to him all reasonable Facilities for examining and comparing the same:

(3.) In case any such Complaint be found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Company:

(4.) In case any such Complaint be not found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Complainant:

(5.) In either Case, such Expenses shall be a Debt due to the Crown from the Company or from the Complainant (as the Case may be), and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Company, or from any Person liable to a Penalty under the Provisional Order (as the Case may be).

Rates to be equally levied.

17. All Rates levied under any Provisional Order shall be charged equally to all Persons with respect to the same Description of Vessels and the same Description of Goods.

18. Without

18. Without Prejudice to any other Remedy, the Undertakers may recover any Rates due in respect of a Vessel from the Owner or Master of such Vessel, and any Rates due in respect of Goods from the Owner or Consignee of such Goods, by Proceedings in any Court of competent Jurisdiction. Mode of Recovery of Rates.

General Provisions.

19. Subject to the Provisions of the Principal Act and this Act and any Provisional Order, The Harbours, Docks, and Piers Clauses Act, 1847, shall be deemed to be incorporated with every Provisional Order. 10 & 11 Vict. c. 27. incorporated.

20. The Undertakers may grant or allow to any Persons the Right of laying down or constructing and maintaining Pipes or Channels for the Conveyance of Water to, on, and within the Pier or Harbour, and may demand and receive such Sums in consideration of such Grant or Allowance as they may think reasonable. Water Pipes.

21. The Undertaking authorized by any Provisional Order shall be subject to the Provisions of The Merchant Shipping Act, 1854, and of every General Act relating to Harbours or Dues on Shipping or on Goods carried in Ships, now in force or hereafter to be passed, and to any future Revision or Alteration under the Authority of Parliament of the Rates authorized by the Order. Application of Merchant Shipping Act, &c.

22. The Costs of and connected with the preparation and making of each Provisional Order shall be paid by the Promoters. Costs of the Order.

III.—Pending Applications for Provisional Orders.

23. And whereas it was by the Principal Act (Section Nine) enacted, that in case the Promoters, or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, should be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they should prepare a Schedule of such Rates which they might think reasonable and proper to be levied at such Works, and should publish such Schedule in a Newspaper as therein specified, and should also deposit a printed Copy of such Schedule at such Office as therein specified, and also transmit a Copy of such Schedule to the Board of Trade with such other Documents as therein specified, and that after such Proceedings and the Lapse of such Time as therein specified the Board of Trade should finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule to The Proceedings under Section 9 of Principal Act for fixing Schedule of Rates.

Burgh Harbours (*Scotland*) Act, 1853, and that thereupon the Board of Trade might by Provisional Order empower any of the Persons in the Section now in recital mentioned to levy Rates according to such Schedule:

And whereas under the said recited Provision, Persons within the Description therein contained have prepared Schedules of Rates which they thought reasonable and proper to be levied, and have published, deposited, and transmitted the same in manner by the said recited Provision required, but the Board of Trade on proceeding to finally adjust and fix Schedules of Rates have, in certain Cases found that the Schedules so prepared, published, deposited, and transmitted comprise Rates in some Instances exceeding the Rates specified in the Schedule to The Burgh Harbours (*Scotland*) Act, 1853, and in other Instances leviable in respect of Subjects not specified in the last-mentioned Schedule:

And whereas in the several Cases aforesaid it is represented to the Board of Trade by the Promoters, and the Board of Trade have no Reason to doubt, that it is essential to the Success of the several Undertakings that an Opportunity should be given to the Promoters of obtaining the Sanction of Parliament to the several Schedules of Rates so prepared, published, deposited, and transmitted as aforesaid, without reference to the Conformity of such Schedules with the Schedule to The Burgh Harbours (*Scotland*) Act, 1853: Be it therefore enacted as follows:

Power to Board of Trade to authorize Schedule as published, though differing from Schedule referred to in Principal Act.

Where any Schedule of Rates has been prepared, published, deposited, and transmitted as aforesaid, and it appears to the Board of Trade to be expedient that the same, or the same as modified on any Objection taken under the Principal Act, should be authorized by a Provisional Order, it shall be lawful for the Board of Trade to finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule so prepared, published, deposited, and transmitted, or so modified, and thereupon by Provisional Order to authorize the Levying and Recovery of Rates according to the Schedule so finally adjusted and fixed, notwithstanding that the same may in any respect differ from the Schedule to The Burgh Harbours (*Scotland*) Act, 1853: Provided, that it shall be lawful for the Board of Trade, if in any Case they think fit, before finally adjusting and fixing any such Schedule, to require the Promoters to publish any further or other Notice relative to the proposed Schedule as the Board of Trade may direct.

Provisions of Principal Act as in Schedule (C.) to this Act repealed.

24. The Provisions of the Principal Act described in Schedule (C.) to this Act shall be repealed with respect to any Application already made to the Board of Trade for a Provisional Order.

IV.—GENERAL

IV.—General Provisions.

25. The Board of Trade shall not make any Provisional Order taking away or abridging any Right, Privilege, Power, Jurisdiction, or Authority given or reserved to any Person or Corporation by any Local or Special Act of Parliament, without the Consent in Writing of such Person or Corporation; but, subject to this Restriction, and to the Provisions of the Principal Act and of this Act, every Provisional Order when duly confirmed by Parliament shall be of full Force and Effect, any Local or Special Act to the contrary notwithstanding.

Order not to be made affecting Powers under Local Acts without Consent.

26. Every Provisional Order of the Board of Trade on any Application already made or to be hereafter made shall take effect subject and according to such Restrictions and Provisions and on such Terms and Conditions as may be therein specified, not being inconsistent with the Provisions of the Principal Act or this Act.

Power to Board of Trade to impose Terms, &c.

27. The Provisions of the Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three, "to compel Clerks of the Peace for Counties "and other Persons to take the Custody of such Documents as shall "be directed to be deposited with them under the Standing Orders "of either House of Parliament," shall (as far as may be) apply to all Cases of Deposit of Documents made or to be made with any Person under the Principal Act or this Act.

Application of 7 W. 4. & 1 Vict. c. 83. to Act.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Parts of General Pier and Harbour Act, 1861, *repealed as to future Applications to the Board of Trade for Provisional Orders.*

(1.) Sections Five, Nine.

(2.) In Section Six, so much as requires any Deposit to be made at the Admiralty Office.

(3.) In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette.

SCHEDULE (B.)

Part I.

Advertisement in October or November of intended Application.

(1.) Every Advertisement is to state—

1. The Objects of the intended Application, specifying any of the following Objects, when comprised among the Objects of the Application:

   (*a.*) Extension of Time for the Completion of any Works already authorized:

   (*b.*) Power for a Company to amalgamate with another:

   (*c.*) Power to sell, purchase, lease, or take on Lease an Undertaking:

   (*d.*) Amendment or Repeal of any Local or Special Act of Parliament, or of any former Provisional Order:

   (*e.*) Power to levy any Tolls, Rates, or Duties, or to alter any existing Tolls, Rates, or Duties:

   (*f.*) The conferring, varying, or extinguishing of any Exemption from Tolls, Rates, or Duties, or of any other Right or Privilege:

   (*g.*) Constitution or Alteration of Constitution of any Harbour Authority.

2. A general Description of the Nature of the proposed new Works, if any.

3. The Names of the Parishes, Townlands, Townships, and Extra-parochial Places in which the proposed new Works, if any, will be made.

4. The

4. The Times and Places at which the Deposit under Part II. of this Schedule will be made.
5. An Office, either in London, or at the Place to which the intended Application relates, at which printed Copies of the Draft Provisional Order, when deposited, will be purchaseable as herein-after provided.

(2.) The whole Notice is to be included in One Advertisement, which is to be headed with a short Title descriptive of the Undertaking or Application.

(3.) The Advertisement is to be inserted once at least in each of Two successive Weeks in some One and the same Newspaper published in the City, Town, or Place where the proposed Works will be made, or where the Pier or Harbour to which the intended Application relates is situate; or if there be no such Newspaper, then in some One and the same Newspaper published in the County in which such City, Town, or Place, or some Part thereof, is situate; or if there be none, then in some One and the same Newspaper published in some adjoining or neighbouring County.

(4.) The Advertisement is also in every Case to be inserted once at least in the London Gazette if the Place to which the intended Application relates is situate in England or Wales, in the Edinburgh Gazette if such Place is situate in Scotland, or in the Dublin Gazette if such Place is situate in Ireland.

Part II.

Deposit on or before 30th November.

(1.) The Promoters are to deposit—

1. A Copy of the Advertisement published by them.
2. A proper Plan and Section of the proposed new Works, if any; such Plan and Section to be prepared according to such Regulations as may from Time to Time be made by the Board of Trade in that Behalf.

(2.) The Documents aforesaid are to be deposited for public Inspection—

1. In England or Ireland, in the Office of the Clerk of the Peace for every County, Riding, or Division; in Scotland, in the Office of the Principal Sheriff Clerk for every County, District, or Division,—in which any proposed new Work will be made, or in which the Pier or Harbour to which the intended Application relates, or any Part thereof, is situate.
2. At the Custom House, if any, of the Port, Sub-Port, or Creek to which the intended Application relates.

(3.) The Documents aforesaid are also to be deposited in the Offices of the Admiralty and of the Board of Trade.

PART III.

Deposit on or before 23d December.

(1.) The Promoters are to deposit at the Office of the Board of Trade—

1. A Memorial of the Promoters, signed by them or One of them, headed with a short Title descriptive of the Undertaking or Application (corresponding with that at the Head of the Advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
2. A printed Draft of the Provisional Order as proposed by the Promoters.
3. An Estimate of the Expense of the proposed new Works, if any, signed by the Person making the same.

(2.) They are also to deposit printed Copies of the Draft Provisional Order for public Inspection at the Custom House (if any) of the Port, Sub-Port, or Creek to which the Application relates.

(3.) They are also to deposit a sufficient Number of such printed Copies at the Office named in that Behalf in the Advertisement; such Copies to be there furnished to all Persons applying for them at the Price of not more than One Shilling each.

SCHEDULE (C.)

Parts of General Pier and Harbour Act, 1861, *repealed as to Applications already made to the Board of Trade for Provisional Orders.*

In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette; and also so much as restricts the Time for the Introduction of a Bill into Parliament for the Confirmation of a Provisional Order.

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ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

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Not to affect Right of Appeal to Her Majesty in Council.

2. Provided, That nothing in this Act contained shall affect or interfere with any Right of Appeal to Her Majesty in Council now by Law existing.

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Transfer of Stocks (Ireland).

Sect. 1. of 24 & 25 Vict. c. 35. repealed, and other Provision as to the Time of closing the Books for the Transfer of Stocks, &c. at the Bank of Ireland prior to the Payment of Dividends made.

1. That the First Section of the said Act be and the same is hereby repealed; and in lieu and stead thereof it shall be lawful for the said Governor and Company of the Bank of *Ireland* to close the Books for the Transfer of the several Government Stocks, Funds, and Annuities now by Law transferable at the Bank of *Ireland* on any Day in the Month preceding that in which the Dividends thereon respectively shall by Law be payable; and the Person or Persons who on the Day of the closing of such Books was or were inscribed as the Proprietor or Proprietors of any Share or Shares of and in such Stocks, Funds, and Annuities respectively shall, as between him, her, or them and the Transferee or Transferees thereof, be the Person or Persons entitled to the then current Half Year's Dividend thereon, and the Person or Persons to whom any Transfer shall be made after the Day of the closing of such Books, shall not be entitled to the then current Half Year's Dividend on such Stocks, Funds, and Annuities, but shall take and accept the same exclusive of the Right to the said Half Year's Dividend; provided that the Period for which such Books of Transfer shall be closed shall not exceed Fifteen Days.

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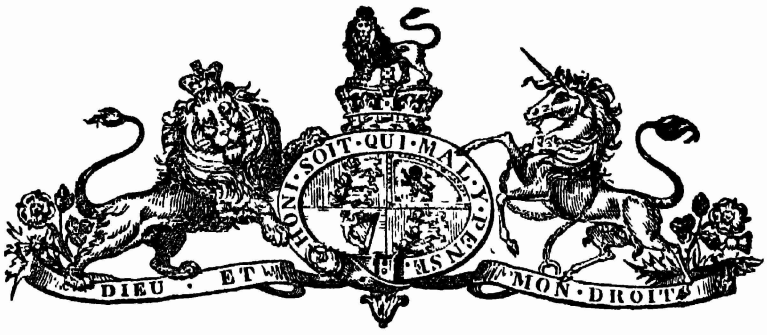

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Drawbacks specified and contained in the said Schedules (A.) and (B.); and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in this Act or in the said Schedules; and where no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where no Period is so specified or limited for the Duration thereof, the same shall continue to be charged, collected, paid, and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

2. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time of the passing of this Act and not hereby expressly repealed, or as regards the Income Tax in force on the Fifth Day of *April* One thousand eight hundred and sixty-two, shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates, Duties, and Drawbacks by this Act granted respectively.

Licences to Brewers to expire on 10th October in every Year.

3. All Licences to Brewers of Beer to be granted under this Act shall expire on the Tenth Day of *October* in every Year, and shall be renewed yearly on Payment of the Duties chargeable for or in respect of such Licences respectively, according to the Provisions of this Act.

Brewer of Beer for Sale, before obtaining Licence, to make Decla-

4. Before any Licence shall be granted to any Brewer of Beer for Sale (other than a First Licence), such Brewer or his principal Servant under whose Direction or Inspection the Malt or Sugar herein-after mentioned shall have been brewed, shall make before a Justice of the Peace,

Peace, or before the proper Collector of Excise, or any other Officer of Excise empowered to grant Licences (who are hereby respectively authorized to receive the same), a Declaration in Writing under the Provisions of the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two, setting forth a true and just Account of the Number of Bushels of Malt and of the Number of Pounds Weight Avoirdupois of Sugar respectively used by such Brewer in the brewing of Beer within the previous Year ending on the Tenth Day of *October* immediately preceding the Application for such Licence; and if such Declaration shall be false or untrue in any Particular, the Person making the same shall be subject to the Pains and Punishment prescribed by the said last-mentioned Act: Provided always, that in no Case shall a Licence be granted to any such Brewer of Beer upon Payment of any less Amount of Duty than shall appear to be due according to the Entries made in the Book or Paper delivered to such Brewer by the Officer of Excise for that Purpose.

ration under Provisions of 5 & 6 W. 4. c. 62. of the Quantity of Malt and Sugar brewed during the previous Year.

5. Where the Amount of Duty chargeable upon any Licence to brew Beer for Sale shall exceed the Sum of Ten Pounds, such Licence may, if required, be granted upon Payment only of a Moiety of the Duty so chargeable, and in such Case the other Moiety of such Duty shall be paid on the First Day of *March* next after the Commencement of the Year for which such Licence shall have been granted, or in default thereof the Licence shall thereupon cease and determine, and be no longer in force.

When Licence of Brewer of Beer for Sale exceeds 10*l.*, it may be paid in Moieties.

6. If any Brewer of Beer for Sale shall die or become bankrupt, or shall discontinue the Trade and Business of a Brewer of Beer for Sale at any Time before the Expiration of his current Licence, it shall be lawful for the Commissioners of Inland Revenue to ascertain by such Means as they shall think fit, the Quantity of Malt and Sugar which such Brewer shall have used in the brewing of Beer in the Portion of the Year during which he shall have carried on Business under such Licence, and the Amount of Duty which would be payable for a Licence in respect of the Number of Barrels of Beer brewed from such Malt and Sugar, according to the Provisions of this Act; and if the Amount of Duty so ascertained shall be less than the Sum paid by such Brewer for his current Licence, the Commissioners shall cause the Difference to be repaid to such Brewer, or to the Executors or Assignees of any Brewer who shall die or become bankrupt.

On the Death of a Brewer, or on the Business being discontinued before Expiration of Licence, a proportionate Part of the Duty may be returned.

7. If upon the Termination of any Licence granted to a Brewer of Beer for Sale it shall appear that the Number of Barrels of Beer brewed by such Brewer during the Existence of such Licence, computed according to the Provisions in the Seventh Section of the Act passed

When the Quantity of Beer brewed in any Year shall be less than the

Quantity for which the Licence was granted, the Difference shall be repaid to the Brewer; if the Quantity be greater he shall be surcharged.

passed in the First Year of the Reign of King *William* the Fourth, Chapter Fifty-one, is less than the Number of Barrels in respect of which the Duty upon such Licence was charged, the Difference between the Amount of Duty that would have been payable for a Licence for the lesser Number of Barrels of Beer brewed and the Amount actually paid for the Licence shall be repaid to the Brewer, his Executors or Administrators; and if it shall appear that the Number of Barrels of Beer, computed as aforesaid, brewed during such Period, shall be greater than the Number in respect of which the Licence was granted, the Brewer, or his Executors or Administrators, shall be surcharged with such additional Amount of Duty as, with the Sum actually paid for such Licence, shall amount to the Sum payable according to the Rates of Duty imposed by this Act upon the Number of Barrels of Beer brewed as aforesaid by such Brewer: and such additional Amount of Duty shall be paid by such Brewer, his Executors or Administrators, within Seven Days after he or they shall have had Notice to pay the same.

Surcharge upon a Brewer's First Licence to become payable immediately upon Death or Bankruptcy of the Brewer.

8. If any Person who shall have taken out a Licence as a Brewer of Beer for Sale for the First Time shall die, or become bankrupt, or discontinue the Business of a Brewer of Beer at any Time before the Expiration of such Licence, the further additional Sum which shall be chargeable under this Act in respect of such Licence shall become due and payable immediately thereupon, and shall be a Debt due to Her Majesty, Her Heirs and Successors, and be recoverable accordingly; and in the Case of any such Brewer who shall discontinue Business as aforesaid, Payment of such additional Sum may be demanded either verbally of such Brewer, or by Writing left at the Brewery, by the Supervisor of Excise of the District in which the Brewery shall be situated; and if the same shall not be paid within Three Days next after such Demand shall have been made, the Brewer shall forfeit a Penalty of double the Amount thereof; and in all the foregoing Cases the Stock of Beer, Malt, and Hops, and the Utensils and Machinery upon the Brewery Premises at the Time of such Death, Bankruptcy, or Discontinuance of Business, shall be and remain liable for the Payment of the said Sum of Money or Penalty, and are hereby made chargeable therewith, notwithstanding any Title or Conveyance by which they may be claimed.

Brewers of Black Beer to continue to pay the Duties imposed by 6 G. 4. c. 81.

9. Provided always, That Brewers of Beer known as Spruce or Black Beer, for Sale, shall continue to pay for their Licences only the same Rates of Duty as are imposed by the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, on Brewers of Beer other than Table Beer only, for Sale; provided that any such Brewer shall not brew on the same Premises Beer of any other

other Description than Spruce or Black Beer, nor use in the brewing of the same, or add thereto, any Hops or other Bitter, or any Yeast or other Matter to produce Fermentation, and shall not brew, or sell or send out, any of such Beer of a less Specific Gravity than One thousand one hundred and eighty Degrees.

Brewers of Beer for Sale omitting to take out Licence to be liable to the Duty.

10. If any Brewer of Beer for Sale shall omit to take out a proper Licence in that Behalf under this Act, he shall nevertheless be chargeable with the full Amount of the Duty payable or which would become payable under this Act for or in respect of the Licence which he ought to have taken out, and such Duty shall be a Debt to Her Majesty, Her Heirs and Successors, and shall be recoverable accordingly.

Persons brewing Beer for others to be deemed Brewers for Sale.

11. If any Person shall brew any Beer for the Use of any other Person at any Place other than the Premises of the Person for whose Use the Beer shall be brewed, the Person brewing such Beer shall be deemed to be a Brewer of Beer for Sale, and shall be liable to take out a Licence accordingly.

So much of any Act as permits Sale of Beer at Fairs, &c. without Licence repealed.

12. So much of any Act as permits the Sale of Beer, Spirits, or Wine at Fairs or Races without an Excise Licence shall be and the same is hereby repealed.

Occasional Licence may be granted to Victuallers to sell Beer, Spirits, &c., at such Time and Place as the Commissioners of Inland Revenue shall approve.

13. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall consider it conducive to Public Convenience, Comfort, and Order, and with the Consents in Writing of Two Justices of the Peace usually acting at the Petty Sessions for the Petty Sessional Division within which the Place of Sale is situate, to authorize any Officer of Excise to grant to any Person who shall be duly authorized to keep a Common Inn, Alehouse, or Victualling House, and who shall have taken out the proper Excise Licences to sell therein Beer, Spirits, Wine, or Tobacco, an occasional Licence under this Act empowering him to sell the like Articles for which he shall have taken out such Licences as aforesaid at any such other Place, and for and during such Space or Period of Time, not exceeding Three consecutive Days at any One Time, as the said Commissioners shall approve, and as shall be specified in such occasional Licence; and any Person who shall have taken out such occasional Licence shall not be liable to any Penalty or Forfeiture whatever by reason or on account of his selling the Articles mentioned in the said Licence during the Time and at the Place specified therein; provided that no such occasional Licence shall authorize the Sale of any Beer, Spirits, or Wine, except during the Hours after Sunrise and before Sunset; and provided that the said

said Licence shall not protect any such Person in the Sale of any of the Articles herein mentioned, unless he shall at the Time of such Sale produce such Licence when requested to do so by any Officer of Excise, or by any Constable or Police Officer; nor shall any such Licence be granted for the Sale of any of the Articles herein mentioned on any *Sunday*, *Christmas Day*, or *Good Friday*, or on any Day appointed for a Public Fast or Thanksgiving; provided also, that the Provisions of this Clause shall not extend to *Scotland*.

Charging of Excise Duty on Sugar used in brewing deferred until 1st July 1863.

14. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Ninety-one, the charging of the said Duty was deferred until the First Day of *July* One thousand eight hundred and sixty-two, and it is expedient further to defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-three.

Licences granted under 23 Vict. c. 27. and 23 & 24 Vict. c. 107. may be transferred as other Excise Licences in case of the Removal of the licensed Person.

15. The Provisions contained in the Twenty-first Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, relating to the Transfer of Excise Licences in the Case of the Removal of any Person from the House or Premises at which he shall be licensed under that Act, shall be and the same are hereby extended to Licences granted under the Act passed in the Twenty-third Year of the Reign of Her present Majesty, Chapter Twenty-seven, and the Act passed in the Twenty-third and Twenty-fourth Years of Her said Majesty's Reign, Chapter One hundred and seven respectively: Provided that no Licence granted under either of the Two last-mentioned Acts for the Sale of Foreign Wine by Retail to be consumed upon the Premises where the same shall be sold shall be transferred by the Officers of Excise, unless the Assignee of such Licence shall be duly licensed to keep a Refreshment House, nor unless he shall produce to such Officers a Certificate from a Justice of the Peace acting for the City, Borough, Town, or Place in which the House and Premises are situated, that such Justice does not object to such Transfer being made, and provided that no such Licence so transferred shall authorize the Assignee to carry on the Business mentioned therein for a longer Period than Five Weeks from the Date of such Transfer, unless he shall in the meantime have qualified himself to become the Holder of a Licence of the like Kind according to the Provisions of the said respective Acts.

16. Whereas

16. Whereas Doubts have arisen as to the Extent of the Privilege of the Master, Warden, Freemen, and Commonalty of the Vintners of the City of *London* to sell Wine without taking out an Excise Licence for that Purpose: Be it enacted, That no Freeman of the said Company shall be entitled to sell Wine in more than One separate and distinct House or Premises at the same Time without taking out the proper Excise Licence in that Behalf, nor shall any Freeman be entitled to exercise the said Privilege unless he shall have previously made an Entry of the House or Premises in which he intends to sell Wine with the proper Officer of Excise, in the Manner directed in the Fifth Section of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-one.

For Removal of Doubts as to the Privilege of the Free Vintners of the City of London to sell Wine without Licence.

17. The Duties of Excise now chargeable on Hops growing or to grow in the United Kingdom, which shall be cured and made fit for Use after the passing of this Act, shall cease, and are hereby repealed; and all Allowances and Drawbacks of the Duties of Excise on the Exportation of such Hops shall also cease, and be no longer payable.

Excise Duties, &c. on Hops cured after the passing of this Act repealed.

18. On and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two the Duty of Customs now payable on the Importation of Hops into *Great Britain* and *Ireland* shall cease and determine.

Repeal of Customs Duty on Hops on 16th September 1862.

19. All Allowances and Drawbacks of Excise on the Exportation of Hops grown in the United Kingdom, and cured and made fit for Sale before the passing of this Act, shall cease and be repealed as to all or any of such Hops which shall be exported on or after the Sixteenth Day of *September* One thousand eight hundred and sixty-two.

Drawbacks on Exportation of Hops cured before the passing of this Act to cease on 16th September 1862.

20. On and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two so much of an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight; and of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, and of any other Act relating to the Revenue of Excise, as imposes any Excise Penalty upon any Brewer of, or Dealer in, or Retailer of Beer, for receiving into, or having in his Possession, or using or mixing with any Worts or Beer any Article for or as a Substitute for Hops, or as prohibits the Sale of any such Article to the said Persons, shall be and is hereby repealed: Provided always, that nothing herein contained shall be construed to extend to repeal any such Penalty or Prohibition so far as regards any Article which may be used as a Substitute

Excise Penalties imposed upon the Use of Substitutes for Hops repealed.

Substitute for Malt, notwithstanding that it may be also a Substitute for Hops.

British Hops re-imported chargeable with Duty for Six Months after 16th Sept. 1862.

21. *British* Hops re-imported or brought back into *Great Britain* or *Ireland* on or at any Time within Six Months after the Sixteenth Day of *September* One thousand eight hundred and sixty-two shall be charged with the Duty now payable on the Importation of Hops; and no *British* Hops which shall have been re-imported or brought back into *Great Britain* or *Ireland*, and warehoused for Security of Duties of Customs previously to the said Sixteenth Day of *September*, shall be delivered on or within Six Months after that Day without Payment of the Duty of Customs now chargeable on the Importation of Hops.

Prohibition on Extract of Hops repealed.

22. The Prohibition of the Importation of Extracts and Essences of Hops and other Concentrations thereof, contained in the Third Section of the Customs Duties Consolidation Act, 1860, shall, on and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two, cease.

Allowance of 7*s.* per Cwt. on British Hops in Stock on 15th September 1862.

23. Provided always, That any Person who shall have in his Stock or Possession on the Fifteenth Day of *September* One thousand eight hundred and sixty-two not less than Half a Ton Weight of *British* Hops of a marketable Quality, on which the Duties of Excise have been fully charged and paid, and shall produce the same to the proper Officer of Excise authorized by the Commissioners of Inland Revenue to take an Account thereof in the original Bags or Pockets (whole and unopened) in which the same were charged with Duty, such Person being the *bonâ fide* Owner of such Hops, or a known Hop Factor, shall be entitled to claim and be paid an Allowance at the Rate of Seven Shillings for every Hundredweight thereof, subject to a Deduction of Ten *per Centum* for the Tare of the Bags or Pockets in which the Hops are contained.

Mode of claiming the Allowance on Hops in Stock.

24. Every Person intending to claim any such Allowance shall, Seven Days previously to the Fifteenth Day of *September* One thousand eight hundred and sixty-two, give Notice to the proper Officer of Excise of the Division in which the Hops upon which he intends to claim such Allowance are stored, specifying his Name and Place of Abode, and the particular Warehouse or Building in which such Hops are stored, and the Number of Bags or Pockets of such Hops, with the Weight and Marks upon each Bag or Pocket, and the total Weight of such Hops, and also the Amount of the Allowance claimed; and every Person claiming such Allowance shall provide requisite Scales and Weights to enable the Officer of Excise conveniently

conveniently to take an Account of such Hops, and shall also, with his Servants and Workmen, whenever thereto required, aid and assist the said Officer in taking such Account; and in default thereof the Claimant shall not be entitled to any Allowance in respect of any Hops in his Stock or Possession.

Officers of Excise to attend to examine Claims and Stocks and grant Certificates.

25. The proper Officer of Excise authorized in that Behalf shall on the said Fifteenth Day of *September*, or within Three Days thereafter, attend at the Place mentioned in such Notice as aforesaid as the Place where any such Hops are deposited, and examine, weigh, and take an Account of the same, and shall mark each Bag or Pocket with such Marks and Figures as he shall think fit to denote such Examination; and such Officer shall ascertain and compute the Amount of the Allowance to which the Claimant may be entitled in respect of such Hops, and shall give to him a Certificate expressing the true Quantity and net Weight of the Hops in respect of which such Claimant shall be entitled to the Allowance, and specifying the Amount of the Allowance, and the Name and Place of Abode of the Person entitled thereto.

Declaration to be made of the Truth of the Certificate, and Collector to pay the Amount of the Allowance.

26. On the Production of such Certificate by the Claimant or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Claimant before a Justice of the Peace, or such Collector, that the whole Quantity of the Hops mentioned in such Certificate was, at the Time therein specified, the sole Property of such Claimant, or of him and his Copartner in Trade (as the Case may be), or that he is a Hop Factor, and that the same, or any Part thereof, hath not been taken account of for the Purpose of obtaining the said Allowance more than once, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of the said Hops, or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, the said Collector being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the said Claimant or his Agent the Sum of Money specified in such Certificate at the next Sitting Day which shall be held for the Collection or Receipt of Excise Duties next after the Expiration of One Week from the Production of such Certificate and the Making of such Declaration as aforesaid.

9 G. 4. c. 18. granting Duties on Cards and Dice repealed.

27. From and after the First Day of *September* One thousand eight hundred and sixty-two the Act passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Eighteen, for repealing the

the Stamp Duties on Cards and Dice made in the United Kingdom, and granting other Duties in lieu thereof, and amending and consolidating the Acts relating to Cards and Dice and the Exportation thereof, shall be and the same is hereby repealed, save and except as to any Duties granted by the said Act and which shall be then unpaid and any Penalty which may have been incurred, which Duties and Penalties shall be recoverable as if this Act had not been made, and also save and except so far as relates to any Bond given in pursuance of the said Act, which Bond shall, notwithstanding this Act, continue in force until the Condition thereof shall have been performed and fulfilled; and from and after the said First Day of *September* One thousand eight hundred and sixty-two the Duty by this Act charged for and in respect of Playing Cards, and all the Clauses and Provisions relating thereto, shall commence and take effect.

Interpretation of Terms.

28. The Term "Cards," wherever the same shall be used in this Act, shall mean Playing Cards by this Act charged with Stamp Duty; the Term "Wrapper" shall mean a Paper Wrapper, Label, or Enclosure provided by the said Commissioners of Inland Revenue for containing, enclosing, or covering a Pack of Cards and denoting the Duty in respect thereof; and the Term "Pack of Cards" shall mean any Quantity or Number of Cards not exceeding Fifty-two.

The Duty to be denoted on the Wrapper.

29. The said Duty of Threepence by this Act chargeable on a Pack of Cards shall be denoted on the Wrapper of every Pack, which Wrapper the Commissioners of Inland Revenue shall provide with such Stamp or Device or Devices thereon for denoting the said Duty as they shall think fit; and the said Commissioners shall supply to any Person who shall be a Maker of Cards, and shall as such have a Licence in force for selling Cards, with any Quantities of such Wrappers on Payment of the Duties for the same, or at their Discretion shall stamp, to denote the said Duty, the Wrappers of licensed Makers of Cards, which when so stamped shall be deemed to be Wrappers provided by the said Commissioners in pursuance of this Act; and no Cards shall be sold otherwise than in separate Packs, each Pack being enclosed in a Wrapper, the Stamp on which shall be at all Times uncovered and open to view, and which shall be securely fastened round or over the same by means of Wheat Flour Paste, or some other firmly adhesive Substance to be approved by the said Commissioners, and so and in such Manner that the Wrapper cannot be opened, or the Cards taken out without the Wrapper being destroyed; and if the Wrapper used by any Maker of Cards for enclosing any Cards sold by him shall not be fastened with proper and sufficient adhesive Substance as aforesaid, or *bonâ fide* in a secure Manner, and with the

Cards to be sold in separate Packs enclosed in Wrappers.

the Stamp thereon open to view, according to the true Intent and Meaning of this Act, such Cards shall be deemed to be not enclosed in a Wrapper provided by the said Commissioners under this Act; and such Maker, and also any other Person selling such Cards, shall be subject and liable to the Penalties imposed by this Act for selling Cards not enclosed in Wrappers.

30. The Commissioners of Inland Revenue, or any of their Officers authorized by them, shall grant to any Person who shall apply for it a Licence to sell Cards at any House to be specified therein, on Payment of the Duty for the same; every such Licence shall continue in force from the Day on which the same shall be granted until and upon the First Day of *September* then next following, and no longer.

Licences to sell Cards to be granted.

31. If any Person shall sell or offer for Sale any Cards without having a Licence in force for the same granted under this Act he shall forfeit Twenty Pounds; and any Person who shall sell Cards at any House or Place not specified in a Licence granted to him shall be deemed to be a Person selling Cards without having a Licence; and any Person who shall be found hawking or carrying about for Sale any Cards, whether enclosed in a stamped Wrapper or not, and who shall sell the same or offer the same for Sale at any Place for which he shall have no Licence, may be apprehended by any Constable or Officer of Inland Revenue, and taken before any Justice of the Peace, who shall hear and determine the Matter, and if upon Conviction of such Offence the Offender shall not immediately pay the Penalty in which he shall be convicted, he shall be committed to Prison for any Period not exceeding Three Months nor less than One Month, unless the Penalty shall be sooner paid; and all Cards which he shall be found trading with or carrying about shall be forfeited, and delivered up to the Commissioners to be dealt with as Cards forfeited under this Act.

Selling Cards without Licence, Penalty 20*l.*

Hawkers of Cards may be apprehended and taken before a Justice.

32. If any Maker of Cards shall remove or send or deliver out any Cards from his House or Premises, or the House or Place in which they were made or completed (except for Exportation as allowed by this Act), the same not being in Packs enclosed in Wrappers in manner aforesaid, or if any Person, whether a Maker of Cards or not, and whether licensed or not, shall sell any Cards, not being a Pack of Cards enclosed in a Wrapper as by this Act is required, he shall forfeit, if he be a Maker of Cards, the Sum of One hundred Pounds, and if he be not a Maker of Cards, the Sum of Twenty Pounds; and moreover, for every Pack of Cards which any such Person shall sell or send or deliver out not enclosed in a Wrapper as aforesaid, he shall forfeit the further Sum of Five Pounds; and all Cards found in any House

Penalty on selling Cards without stamped Wrappers.

Unstamped Cards to be forfeited.

House or Place whatever (except on the Premises of a licensed Maker specified in his Licence) which shall be kept or intended for Sale, or which shall be found on the Premises or in the Possession of any Person who shall sell Cards, and which shall not be in separate Packs enclosed in Wrappers as aforesaid, shall be forfeited; and the same, and also all Wrappers found in any House or Place whatsoever which shall have been used for enclosing Cards, and removed or got off therefrom, may be taken and carried away by any Officer of Inland Revenue, and be destroyed or otherwise disposed of as the Commissioners shall direct; and for the Purposes of such Seizure it shall be lawful for any such Officer, under the Authority of a Warrant for that Purpose specially granted by any Two of the Commissioners or any Justice of the Peace, to enter in the Day-time any House or Place in which there shall be Reason to suspect that any Cards not enclosed in stamped Wrappers, or any Wrappers that have been used as aforesaid, are deposited or kept, and to search for the same; and if necessary, such Officer may break open the Door of any Room or Closet, or any Box, Trunk, or Case in which any such Cards or Wrappers are suspected to be contained; and all Cards so found shall be deemed to be kept and intended for Sale, unless the contrary shall be proved.

Name of Maker, &c. to be printed on the Wrapper.

33. Upon the Wrapper of every Pack of Cards sold or sent or delivered out by any Maker of Cards there shall be printed his Name and the Place at which he shall be licensed to sell Cards in manner to be approved by the said Commissioners, but, except as is provided by the next succeeding Section, no Cards shall be sold or sent or delivered out by any Maker the Stamp upon the Wrapper of which shall be cancelled or defaced, or in any way damaged or injured; and for every Pack of Cards sold or sent or delivered out by any Maker of Cards, on the Wrapper of which shall not be printed as hereby required such Name and Place, or, except as aforesaid, the Stamp on which Wrapper shall be cancelled or in any way defaced, damaged, or injured, he shall forfeit the Sum of Five Pounds; and Cards enclosed in a Wrapper having the Name of a Maker thereon, or otherwise purporting to be made by him, shall be deemed to have been made by him, unless the contrary shall appear.

The Seller of Cards to cancel the Stamp on the Wrapper.

34. Every Person who shall sell Cards, other than a Maker of or Dealer in Cards selling by Wholesale to Persons who buy to sell again, shall, before he shall deliver or send out a Pack of Cards on the Sale thereof, cancel the Stamp on the Wrapper denoting the Duty by this Act charged on a Pack of Cards by writing or impressing in Ink his Name upon such Stamp, or in default thereof he shall forfeit the Sum of Five Pounds.

35. If

35. If any Person shall remove or get off or aid or assist in removing or getting off from any Pack of Cards any Wrapper which shall have been used for enclosing the same, with Intent that such Wrapper shall be again used for enclosing any other Cards; or shall use any Wrapper so removed or got off for enclosing any such other Cards; or shall sell or utter any such last-mentioned Wrapper, or any Cards enclosed therein, knowing the said Wrapper to have been so removed or got off as aforesaid; or shall knowingly have in his Possession or on his Premises any Wrapper which shall have been so removed or got off, with Intent that the same might be used for enclosing other Cards; or shall be guilty of any fraudulent Act, Contrivance, or Device whatever relating to the Duty by this Act chargeable in respect of Cards, he shall forfeit the Sum of Twenty Pounds; and it shall be lawful for the said Commissioners to refuse to grant Licence to sell Cards to any Person who shall have been convicted of any such Offence.

Frauds relating to Wrappers, &c. Penalty 20*l.*

36. Provided, That Cards in Packs, each Pack containing an Ace of Spades duly stamped under the said Act of the Ninth Year of King *George* the Fourth, and also Cards duly imported, enclosed in Wrappers according to the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and seven, may lawfully be sold as if this Act had not been made; and provided that it shall be lawful for any Person possessed of Cards previously sold and opened, used and played with, to sell the same to any licensed Maker of Cards without having a Licence for selling Cards, and without such Cards being enclosed in a Wrapper provided under this Act; and if any such Cards shall be afterwards sold or sent or delivered out by the said Maker, they shall be subject to all the Provisions of this Act, and for the Purposes of this Act such Maker shall be deemed to be the Maker of such Cards; and provided that this Act shall not extend to charge with Stamp Duty *bonâ fide* Toy Cards not exceeding in Length One Inch and Three Quarters, or in Width One Inch and a Quarter.

What Cards may be sold without Wrappers.

Second-hand Cards.

37. Provided also, That any licensed Maker of Cards who shall have given Security as herein-after required may export Cards, made by him on the Premises specified in his Licence, to the *Isle of Man* or to Foreign Parts without being enclosed in Wrappers provided under this Act, under the Conditions and Provisions herein-after mentioned; that is to say, before any Cards intended for Exportation shall be removed from the Premises of the licensed Maker, Notice of the Intention to export them shall be given by the Maker to the said Commissioners, or to some Officer of Inland Revenue authorized to receive the same, at the Chief Office in *London*, or at the Place at which

Unstamped Cards may be exported.

which the Maker shall be licensed, specifying the Quantity of Packs and the Description of the Cards to be exported, the Ports or Places from and to which respectively, and the Name of the Ship or Vessel in which the Cards are to be exported; and the said Commissioners or Officer shall issue to the Maker a Certificate, in such Form as the Commissioners shall approve, authorizing the Removal and Exportation of the Cards in conformity with the Notice, and thereupon the Cards may be removed from the Premises of the Maker, and shall be deposited on board the said Ship or Vessel within a certain Period to be specified in the Certificate, not exceeding in any Case Seven Days from the Date thereof; and if the said Cards or any of them shall be found at any Place whatever within the United Kingdom after the Expiration of such Period, or at any Place other than the Port or Place of Exportation, or in Transit thereto, before the Expiration thereof, or at any Place and at any Time not accompanied by such Certificate, the same shall be forfeited, and may be seized by any Officer of Inland Revenue, and disposed of as by this Act is provided as to Cards forfeited: Provided, that before any Maker of Cards shall be permitted to export Cards not enclosed in Wrappers under this Act, he shall give Bond to Her Majesty in the Penalty of Five hundred Pounds, with One or more Sureties to the Satisfaction of the Commissioners, conditioned for the due Exportation, in conformity with the Provisions of this Act, of all Cards which he shall be authorized to export, which Bond, and the Condition thereof, shall be in such Form and Terms as the Commissioners shall require.

Penalty for making unstamped Bonds.

38. If any Person shall make, issue, deliver, assign, transfer, or negotiate in the United Kingdom, any Bond, Debenture, or other Security by this Act chargeable with Stamp Duty, or shall pay any Interest or Dividend accrued due in respect of any such Instrument, before the same shall be duly stamped for denoting the said Duty, he shall forfeit the Sum of Twenty Pounds.

For Probate Duty, Bond Debts to be Assets, as if they were Simple Contract Debts.

39. For the Purposes of the Stamp Duties on Probates of Wills and Letters of Administration, Debts and Sums of Money due and owing from Persons in the United Kingdom to any deceased Person at the Time of his Death on Obligation or other Specialty, shall be Estate and Effects of the Deceased, within the Jurisdiction of Her Majesty's Court of Probate in *England* or *Ireland*, as the Case may be, in which the same would be if they were Debts owing to the Deceased upon Simple Contract, without regard to the Place where the Obligation or Specialty shall be at the Time of the Death of the Deceased.

40. The

40. The Stamp Duty of Eight Pounds now payable for a yearly Licence to be taken out by a Hawker, Pedlar, and Petty Chapman in *Great Britain*, to travel and trade with One Horse only, exceeding in Height Thirteen Hands, shall be and the same is hereby reduced to the Sum of Four Pounds; and any Licence to be hereafter taken out by a Hawker, Pedlar, and Petty Chapman in *Great Britain* may be granted for a Period not exceeding Six Months on Payment only of One Half the Amount payable for a yearly Licence for the same Purpose: Provided that any such Licence shall continue in force until and upon the Thirty-first Day of *January* or the Thirty-first Day of *July*, as the Case may be, next following the Date thereof, and no longer.

Licences to Hawkers with One Horse reduced.

All Licences to Hawkers may be half-yearly.

41. All Penalties imposed by this Act relating to Stamp Duty may be proceeded for and recovered for the Use of Her Majesty in the same Manner, and in the Case of Summary Proceedings with the like Power of Appeal, as any Penalty may be proceeded for and recovered under any Act relating to the Excise Revenue.

Recovery of Penalties.

42. The Sum charged as the annual Value or Amount of any Property, Profits, or Gains in the several and respective Assessments made in pursuance of the Act passed in the Twenty-fourth Year of Her Majesty's Reign, Chapter Twenty, under Schedules (A.) and (B.) respectively of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, and the Duty charged in respect of such annual Value or Amount by the said Assessments for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, shall (except as to Railways and otherwise as provided by the Acts relating to Income Tax) be taken as the annual Value or Amount of such Property, Profits, or Gains, and as the Duty payable in respect thereof respectively for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two; and the respective Assessments made under the said Schedules respectively for the said Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, except as aforesaid, shall, for the Purposes of this Act, be deemed and taken to be Assessments made for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two; and the Commissioners executing the Income Tax Acts shall, for each Place within their several and respective Districts, cause Duplicates of the said Assessments so made payable for the said last-mentioned Year to be made out and delivered, together with Warrants for collecting the same, and in *England* the said Commissioners shall appoint such Persons, being Inhabitants of the Place to which the Duplicate shall relate, as they the said Commissioners shall think fit, to

The Sums assessed under Schedules (A.) and (B.) for Year 1861 to be taken as assessed for 1862.

to be Collectors of the Duties thereby charged, in like Manner as if such Persons had been presented to them by Assessors under the Acts now in force; and such Duties shall be collected, levied, and paid for the said Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two, subject nevertheless to be increased in like Manner as the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, and subject also to be abated or discharged at the End of the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two, for any Cause allowed by the said Acts: Provided that whenever it shall appear that any Property, Profits, or Gains chargeable under this Act have not been charged by the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, such Property, Profits, and Gains shall be assessed to the Duties granted by this Act under the Provisions of the said several Acts applicable thereto.

Persons intrusted with the Payment of Dividends, &c. since 5th April 1862 and before the passing of this Act, to make Returns thereof.

43. And whereas, since the Fifth Day of *April* now last past, and before the passing of this Act, divers Dividends, Annuities, and Shares of Annuities, and Interest on Loans and on Bonds, Debentures, and other Securities directed by the Acts relating to the Income Tax in force on the said last-mentioned Day to be assessed under Schedules (C.) and (D.) respectively of the said Acts, have become due and payable, and by reason of the Expiration of the said Acts before the passing of this Act have not been assessed and charged with the said Tax; and it is expedient to provide for the Assessment thereof with the Rates and Duties of Income Tax granted by this Act, and for the Collection of the Sums assessed from the Persons respectively to whom such Dividends, Annuities, Shares, and Interest have been paid, or who are entitled thereto, or otherwise, as herein-after mentioned: Be it enacted, That all Persons respectively intrusted with the Payment of any such Dividends, Annuities, Shares, or Interest as aforesaid, or who have paid the same, either as Agent or otherwise, shall, within One Calendar Month next after the passing of this Act, deliver or cause to be delivered to the Commissioners for Special Purposes, at the Head Office of Inland Revenue at *Somerset House* in the City of *Westminster*, an Account in Writing, duly authenticated and signed by such Persons respectively, containing a Description of all such Dividends, Annuities, Shares, and Interest intrusted to them for Payment, which have become due or payable since the Fifth Day of *April* last, and also a true and perfect Account of the Names and Residences of the several Persons to whom the same have become due or payable, and the several Sums which have been so paid to them, or to which they have become entitled respectively, specifying in such Account the Sums (if any) deducted or retained by the Persons intrusted with such Payment as aforesaid in

in respect of Income Tax, to become chargeable thereon by the Authority of Parliament in this present Session; and the said Commissioners for Special Purposes shall make Assessments thereon respectively, under Schedules (C.) and (D.) respectively of the Acts relating to the Income Tax, of the Rates and Duties of Income Tax granted by this Act; that is to say, they shall make Assessments in respect of so much of such Dividends, Annuities, Shares, or Interest as may not have been actually paid to the Persons entitled thereto, and also in respect of so much thereof as shall have been paid to such Persons, but in respect whereof the Duty chargeable by this Act shall have been retained as aforesaid, in like Manner as if this Act had been in force on the Sixth Day of *April* One thousand eight hundred and sixty-two, and the Duty so assessed shall be paid into the Bank of *England* in manner directed by the said Acts in such Cases; and in respect of so much of the said Dividends, Annuities, Shares, or Interest as shall have been paid to the Persons entitled thereto, the Duty whereon shall not have been deducted, they shall make Assessments on such Persons, and the Duty so assessed as last aforesaid shall be paid to the Receiver General of Inland Revenue by the several Persons who shall have received or are entitled to such Dividends, Annuities, Shares, and Interest respectively; and in default of such Payment the Sums so assessed shall be recoverable from the said last-mentioned Persons, and shall be collected and levied in like Manner as any other Assessments made by the said Commissioners are or may be by Law directed or authorized to be recovered, collected, or levied: Provided always, that if any Sum so assessed shall not be so paid, recovered, or collected by or from any Person chargeable therewith, and such Person shall at any Time hereafter become entitled to any further Payment of the like Dividends, Annuities, Shares, or Interest, the Person intrusted with the Payment thereof as aforesaid shall, on Notice and Requisition from the said Commissioners in that Behalf, deduct and retain from and out of such further Payment any such Sum assessed and remaining unpaid as aforesaid, as well as any further Assessment chargeable in respect of such further Payment of the said Dividends, Shares, Annuities, or Interest; and the Person deducting and retaining any such Sum of Money assessed as aforesaid shall pay the same into the Bank of *England* to the Account of the said Receiver General in like Manner as he is by any Act relating to the Income Tax required or directed to pay over any other Sums of Money deducted or retained by him for Income Tax; and if any Person intrusted with the Payment of, or who hath paid any such Dividends, Annuities, Shares, or Interest as aforesaid, either as Agent or otherwise, shall neglect or refuse to do any Act hereby required or directed to be done or performed by him, he shall forfeit the Sum of One hundred Pounds.

Dividends, &c. due since 5th April 1862 to be assessed by Special Commissioners.

Assessors not to be appointed for Duties under Schedules (A.) and (B.)

44. No Assessors shall be appointed for the Duties payable under the said Schedules (A.) and (B.) of the said Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four: Provided that the Inspectors or Surveyors of Taxes shall act as Assessors in respect of such Duties whenever it shall be necessary; and as regards the Duties which shall be collected under the said Schedules (A.) and (B.) in lieu of the Poundage granted by the One hundred and eighty-third Section of the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, to be divided between the Assessors and Collectors, there shall be paid a Poundage of Three Halfpence to the Collectors.

Power to appoint more than Two Collectors of Income Tax and Assessed Taxes for each Parish.

45. And whereas, owing to the Increase of Population and in the Value of Property in divers Parishes and Places in *England*, it is necessary for the due and proper Collection of the Income Tax and Assessed Taxes respectively that more than Two Collectors of the said respective Taxes should be appointed for each of such Parishes or Places: Be it enacted, That it shall be lawful for the Commissioners executing the Acts relating to the said respective Taxes in their respective Districts, and they are hereby authorized and required, to appoint such Number of Persons to be Collectors of the several and respective Taxes or any of them in each such Parish or Place as the said Commissioners may deem necessary for the due and proper Collection of the said Taxes respectively, and all such Collectors shall have the same Powers and Authorities, and shall be subject to the like Rules, Regulations, and Penalties, as any Collectors appointed under the Provisions of the Acts now in force.

SCHEDULES.

SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted, and the DRAWBACKS allowed on the following ARTICLES, by this ACT.

The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged, on and after the First Day of July One thousand eight hundred and sixty-two until the First Day of July One thousand eight hundred and sixty-three, on Importation into Great Britain and Ireland; that is to say,

Duties now charged on Tea, Sugar, &c. continued until 1st July 1863.

		£	s.	d.
Tea (without any Allowance for Draft) - -	the lb.	0	1	5
SUGAR, and Articles composed thereof, or sweetened therewith; viz:—				
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto	the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - -	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - - -	the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - - -	the Cwt.	0	12	8
Cane Juice - - - - -	the Cwt.	0	10	4
Molasses - - - - -	the Cwt.	0	5	0
Almonds, Paste of - - - -	each the lb.	0	0	2
Cherries, dried - - - - -	each the lb.	0	0	2
Comfits, dry - - - - -	each the lb.	0	0	2
Confectionery - - - - -	each the lb.	0	0	2
Ginger, preserved - - - -	each the lb.	0	0	2
Marmalade - - - - -	each the lb.	0	0	2
Plums, preserved in Sugar - - -	each the lb.	0	0	2
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated -	each the lb.	0	0	2

The following Drawbacks on the several Descriptions of Refined Sugar herein-after mentioned shall continue to be allowed on and after the First Day of July One thousand eight hundred and sixty-two until the First Day of

of July One thousand eight hundred and sixty-three, on Exportation from Great Britain and Ireland to Foreign Parts, or on Removal to the Isle of Man for Consumption therein, or on Deposit thereof in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ship's Stores only, or for the Purpose of sweetening British Spirits in Bond; that is to say,

	£	s.	d.
Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3 approved by the Lords of the Treasury - - for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters for every Cwt.	0	17	2
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain, if thoroughly dried in the Stove - - - - for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2, approved by the Lords of the Treasury - - for every Cwt.	0	15	1
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2. - for every Cwt.	0	12	8

In lieu of the Duties of Customs now charged on the Articles undermentioned, the following Duties of Customs shall be charged thereon, on Importation into Great Britain and Ireland on and after the Fourth Day of April One thousand eight hundred and sixty-two:

—	Containing less than the following Rates of Proof Spirit, verified by Sykes' Hydrometer, viz.,		If imported in Bottles, and containing less than 42 Degrees.
	26 Degrees.	42 Degrees.	
	s. d.	s. d.	s. d.
Wine, Red - — the Gallon -	1 0	2 6	2 6
Ditto, White - - „ -	1 0	2 6	2 6
Lees of such Wine - „ -	1 0	2 6	2 6

And for every Degree of Strength beyond the highest above specified, an additional Duty of Threepence per Gallon.

No

No more than Ten per Cent. of Proof Spirit shall be used in the fortifying of any Wine in Bond; nor shall any Wine be fortified in Bond to a greater Degree of Strength than Forty per Cent. of such Proof Spirit.

In lieu of the Duties of Customs now charged on the Articles undermentioned, the following Duties of Customs shall be charged thereon on Importation into Great Britain and Ireland, from and after the First Day of September One thousand eight hundred and sixty-two, viz.:—

	£	s.	d.
Cards, viz.:			
Playing Cards, the Dozen Packs - - - -	0	3	9

SCHEDULE (B.)

Containing the Duties and Drawback of Excise granted and allowed respectively by this Act.

Duties on Licences to Brewers of Beer for Sale, to be taken out on and after the Eleventh Day of October One thousand eight hundred and sixty-two.

	£	s.	d.
For and upon every Licence to be taken out yearly by any Brewer of Beer for Sale—			
If the Quantity of Beer brewed by such Brewer within the Year ending the Tenth Day of October next preceding the taking out of such Licence, shall not exceed Twenty Barrels, the Duty of - - - - - -	0	12	6
And if the same shall exceed Twenty Barrels and not exceed Fifty Barrels, the Duty of - - - - -	1	7	6
And if the same shall exceed Fifty Barrels - - -	2	0	0
And if the same shall exceed One hundred Barrels and shall not exceed One thousand Barrels then for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above the First One hundred Barrels, the additional Duty of -	0	15	0
And if the same shall exceed One thousand Barrels, and shall not exceed Fifty thousand Barrels, then in addition to the Duty chargeable in respect of One thousand Barrels, there shall be charged for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above One thousand Barrels, the further Duty of - - - - - - - -	0	14	0
And if the same shall exceed Fifty thousand Barrels, then in addition to the Duty chargeable in respect of Fifty thousand Barrels, there shall be charged for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels over and above Fifty thousand Barrels, the further Duty of - - -	0	12	6
And for and upon every Licence to be taken out by any Person who shall first become a Brewer of Beer for Sale, the Duty of - - - - - -	0	12	6

And

And there shall be charged upon and payable by the said last-mentioned Person in respect of such Licence such further additional Sum as, with the said Duty of Twelve Shillings and Sixpence, shall amount to the Duty chargeable on a Licence in respect of the like Number of Barrels of Beer brewed by him during the Existence of the Licence granted to him; and the said additional Charge shall be paid within Ten Days next after the Expiration of the said Licence.

The Duties aforesaid to be in lieu of the Duties now chargeable on Licences to be taken out by Brewers of Beer for Sale.

	£	s.	d.
On a Victualler's occasional Licence; that is to say,			
For and upon every occasional Licence to be granted to any Person who shall be duly authorized to keep a common Inn, Alehouse, or Victualling House, and licensed to sell therein Beer, Spirits, Wine, or Tobacco, to sell the like Articles for which he shall be so licensed at any such other Place, and for and during such Space or Period of Time not exceeding Three Days as shall be specified in such occasional Licence, the Sum of - - -	0	5	0

Drawback on Beer exported; that is to say,

For and in respect of every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, which, on or after the Eleventh Day of October One thousand eight hundred and sixty-two shall be exported to Foreign Parts as Merchandise, the Sum of Threepence, in addition to any Drawback now payable by Law on Beer exported.

SCHEDULE (C.)

Containing the Stamp Duties imposed by this Act.

	£	s.	d.
For and in respect of every Pack of Playing Cards made fit for Sale or Use in the United Kingdom, the Duty of -	0	0	3
For and upon every Licence to be taken out annually by any Person who shall sell Playing Cards in the United Kingdom,			
If he be a Maker of Playing Cards, the Duty of -	1	0	0
If he be not a Maker of Playing Cards, the Duty of -	0	2	6

Upon

Upon and in respect of any Bond, Debenture, or other Security for Money, by whatever Name it shall be called, made in the United Kingdom or elsewhere, by or on behalf of any Foreign or Colonial Government, State, or Company, and bearing Date or signed after the passing of this Act (not being a Bill of Exchange or Promissory Note chargeable as such with Stamp Duty, nor being an Instrument already chargeable with the same Duty as a Bond, or for which a Composition in lieu thereof is payable) which shall be issued, delivered, assigned, transferred, or negotiated within the United Kingdom - - -

The same Stamp Duty as is chargeable on a Bond made in the United Kingdom, for securing the Payment of the like Amount of Money.

Provided that this shall not extend to charge with Stamp Duty any Instrument bonâ fide made and issued at any Place out of the United Kingdom as a Security for the Repayment of Money raised or procured on Loan in Foreign Parts, and not lent or advanced by any Person resident in the United Kingdom, and the Interest whereon shall not be paid within the United Kingdom.

SCHEDULE (D.)

Containing the Rates and Duties of Income Tax granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-two, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties; that is to say,

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Ninepence:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof,—

In England, the Rate or Duty of Fourpence Halfpenny:

And in Scotland and Ireland respectively, the Rate or Duty of Threepence:

Subject to the Provision contained in the said Act, Sixteenth and Seventeenth Victoria, Chapter Thirty-four, Section Twenty-eight, for the Relief of Persons whose Incomes are under One hundred and fifty Pounds a Year respectively, from so much of the said Duties as shall exceed the Rate of Sixpence for every Twenty Shillings of their respective Profits and Gains, computed as in the said Enactment

Enactment is mentioned, and subject also to the Provision therein contained for the Exemption of Persons whose Incomes from every Source shall be less than One hundred Pounds a Year respectively.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

***

The Days from 1st Aug. to 20th Oct. to be reckoned Days within which Summons, &c. should be filed.

2. In all such Actions the Days from and including the First Day of *August* to the Twentieth Day of *October* inclusive in each Year shall be reckoned Days within which the Summons and Plaint and Defence should be filed, and on such Days such Summons and Plaint, or Defence, shall be filed and received, notwithstanding the Provisions of "The Common Law Procedure (*Ireland*) Act, 1853."

This and recited Act to be as One.

3. This Act and the Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861, shall be incorporated and construed together as One Act.

Short Title.

4. This Act may be cited for all Purposes as "The Summary Procedure on Bills of Exchange (*Ireland*) Act, 1862."

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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23 & 24 Vict. c. 138., further continued.

Years of Her Majesty, Chapter One hundred and thirty-eight, shall continue in force until the First Day of *July* One thousand eight hundred and sixty-four, and until the End of the then next Session of Parliament.

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Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XXV.

An Act to confirm certain Provisional Orders under the Local Government Act, 1858, relating to the Districts of *Hanley*, *Stroud*, *Ilfracombe*, *Longton*, *Halifax*, *Ipswich*, and *Sandown*.

[30th *June* 1862.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the Schedule hereunto annexed shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

2. This

This Act incorporated with 21 & 22 Vict. c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures, "The Local Government Supplemental Act, 1862."

SCHE-

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. HANLEY.—Transferring the Powers and Property of the Hanley Market Trustees to the Hanley Local Board.
2. STROUD.—Extending the Borrowing Powers of the Stroud Local Board of Health.
3. ILFRACOMBE.—Extending the Borrowing Powers of the Ilfracombe Local Board of Health.
4. LONGTON.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement for Market Improvements.
5. HALIFAX—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Halifax Local Board of Health for Street Improvements.
6. IPSWICH.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Ipswich Local Board of Health for Street Improvements.
7. SANDOWN.—Repealing a Local Act in force within the District of the Sandown Local Board.

HANLEY.

Provisional Order for the Transfer of the Powers and Property of the Hanley Market Trustees to the Hanley Local Board.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Mayor, Aldermen, and Burgesses of the Borough of Hanley, in the County of Stafford, and whereas the said Mayor, Aldermen, and Burgesses, acting as the Local Board within such Borough, under the provisions of the 77th section of the said Act, presented a Petition to the Right Honourable Sir George Cornewall Lewis, as one of Her Majesty's Principal Secretaries of State, praying that such provision may be made for the future execution, by the aforesaid Local Board, of a certain Local Act of Parliament in force within the District of such Borough, and intituled "An Act for establishing and regu-"lating the Market, and for enlarging and improving the Market Place at "Hanley, in the County of Stafford" (53 Geo. 3. c. cxv.), that the powers and property now held and possessed by the Trustees under the aforesaid Local Market Act may be transferred to, and vested in, the said Mayor, Aldermen, and Burgesses, acting as such Local Board under the herein-before recited Local Government Act, 1858.

And

Local Government Supplemental.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition, and report has been made thereon to me, as one of Her Majesty's Principal Secretaries of State as aforesaid, by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The powers, rights, authorities, duties, and liabilities of the Trustees for the time being, acting in execution of the aforesaid Local Market Act of the 53 Geo. 3. c. cxv. ("for establishing and regulating the Market, "and for enlarging and improving the Market Place at Hanley, in "the County of Stafford") shall cease; and the said powers, rights, authorities, duties, and liabilities shall be transferred to the said Mayor, Aldermen, and Burgesses acting as such Local Board for the said Borough of Hanley, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Local Government Act, 1858.

2.—All property and estate of the Trustees acting in the execution of the said Local Act shall be transferred to and become vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board, except as herein-after provided, upon the same trusts, and for the same purposes, and with the same rights, powers, and privileges, as by such Trustees.

3.—All debts, monies, and securities for money contracted or payable or to become payable by such Trustees, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith, if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Trustees.

4.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, within the district of the said Local Board.

5.—Provided also, that if such property and estate be more than sufficient, any surplus that may accrue shall be primarily applicable in or towards a Cattle Market and Slaughterhouses, if deemed expedient, and such increased Market Accommodation as may from time to time appear advisable. Provided also, that no part of the said surplus shall be applicable in or towards Expenses of Sewerage, or of ordinary Highway Repairs, except within the limits of the Market Place, or the approaches adjacent thereto.

6.—All

6.—All expenses which shall be incurred by the said Local Board under the said Local Act, and which shall not be defrayed out of monies arising under such Local Act, shall be deemed to be expenses incurred by such Board under the Local Government Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Local Government Act.

Given under my hand this Twenty-sixth day of April 1862.

(Signed) G. GREY.

STROUD.

Provisional Order for extending the Borrowing Powers of the Stroud Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the area comprised within the boundaries of the Town of Stroud, in the County of Gloucester, as defined in the second section of the Local Act of 6 Geo. 4. c. 6.; and, under the provisions of the Public Health Supplemental Act, 1857, 20 Vict. cap. 3., the Commissioners for the time being acting in execution of the said Local Act "for paving, lighting, watching, cleansing, regulating, and "improving the town of Stroud, in the county of Gloucester," were appointed the Local Board of Health under the said Public Health Act.

And whereas the powers, authorities, and duties of the said Commissioners ceased from and after the passing of the aforesaid Public Health Supplemental Act, 1857, and were transferred to the said Local Board of Health, to be exercised as if they had been granted or imposed by the said Public Health Act; and all property and estate of the Commissioners acting in the execution of the said Local Act were also transferred to the said Local Board of Health, and all debts, monies, and securities for money contracted or payable, or to become payable by such Commissioners, were thenceforth to be satisfied by the said Local Board.

And whereas the said Commissioners had duly raised under the authority of their Local Act, sums of which Two thousand nine hundred pounds still remain due and payable; and the said Local Board of Health have since the passing of the aforesaid Public Health Supplemental Act, 1857, received sanction under the Local Government Act, 1858, and the Public Health Act, 1848, to borrow upon security of the rates of the aforesaid District of Stroud, sums amounting in the whole to thirteen thousand five hundred pounds to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other Works of a permanent nature under the aforesaid Acts; and whereas a further sum of One thousand six hundred pounds will be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the first herein-before mentioned sums, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her

Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858; a sum not exceeding One thousand six hundred pounds beyond the sums herein-before mentioned, and making altogether an amount not exceeding Eighteen thousand pounds.

And whereas after due inquiry and report by Robert Rawlinson, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Stroud in the county of Gloucester shall have power and authority to borrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, any sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole the sum of Eighteen thousand pounds; and to reborrow on mortgage of the said rates the whole or any part of the several aforesaid sums amounting in the whole to not more than Eighteen thousand pounds, the said sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing or reborrowing thereof.

Given under my hand this Twenty-fourth day of March 1862.

(Signed) G. Grey.

ILFRACOMBE.

Provisional Order for extending the Borrowing Powers of the Ilfracombe Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the Parish of Ilfracombe in the County of Devon.

And whereas the Local Board of Health for the District of Ilfracombe so constituted have duly borrowed, under the Provisions of that Act and of the Local Government Act, 1858, sums, amounting in the whole to Thirteen thousand Pounds, to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanent nature under the aforesaid Acts; and whereas a further sum will be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the first herein-before mentioned sum, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And

Local Government Supplemental.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums which, with the amount already borrowed, shall not exceed in the whole one and a half years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows :—

That, from and after the passing of any Act of Parliament confirming this present Order,-

1.—The Local Board of Health for the District of Ilfracombe in the county of Devon shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole one and a half years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Twenty-fourth day of March 1862.

(Signed) G. Grey.

LONGTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Longton Local Board, for the Purchase of Land by the said Board for Market Improvements.—Local Government Act,* 1858.

Whereas portions of the Local Government Act, 1858, have been duly adopted by the Longton Board of Commissioners, acting under and by virtue of an Act intituled "An Act for establishing an effective Police in Places "within or adjoining to the District called the Staffordshire Potteries, and "for improving and cleansing the same, and better lighting Parts thereof;" and whereas the said portions of the aforesaid Local Government Act, 1858, have now the force of law within the district of Longton aforesaid; and whereas the said Longton Board of Commissioners as Local Board under such Act, have, in pursuance of the Provisions of the 75th Section of the Local Government

Government Act, 1858, duly adopted by them as aforesaid, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase a certain piece of land and certain buildings for the purpose of improving the market-place situate within their District.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owner, lessee, and occupier of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The Longton Board of Commissioners aforesaid, being the Local Board for the District of Longton, in the Parish of Stoke-upon-Trent, in the County of Stafford, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Twenty-fourth day of March 1862.

(Signed) G. Grey.

Schedule referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order, are the following:—

Description of Lands, Messuages, Buildings, and Premises	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Freehold messuage or tenement and premises in Market Lane, Longton, and used as a retail beer house, adjoining the Longton Market	Felix Pratt Ford, of the Lawn, Stoke-upon-Trent.	Late in the occupation of Ralph Adams, but now unoccupied.

HALIFAX.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Halifax Local Board of Health, for the Purchase of Land by the said Board for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Halifax, in the County of York, by the Council of the said Borough, being the Local Board of Health in and for the District of the said Borough, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by "The Public Health Supplemental Act, 1851," (No. 3), have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of widening, opening, enlarging, and improving certain streets and highways, in the said Borough, such land and buildings being all situate within the District of the said Local Board of Health.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the district aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order,

1.—The Mayor, Aldermen, and Burgesses of the Borough of Halifax, by the Council of the said Borough, being the Local Board of Health for the District of that Borough, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Twenty-eighth day of March 1862.

(Signed) G. Grey.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order, are the following:—

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Pasture Field - -	249	Joseph Crossley - - John Whiteley Ward, and Joshua Smithson - -	Joseph Crossley, John Whiteley Ward, and Joshua Smithson.
Public Road - -	250	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	251	John Waterhouse - - Thomas Adam, William Hoyland, and Jeremiah Sharp Brown.	William Smith.
Pasture Field - -	252	John Waterhouse - - Thomas Adam, William Hoyland, and Jeremiah Sharp Brown.	William Smith.
Pasture Field - -	253	William Dean - -	Dan Leeming.
Pasture Field and Footpath.	254	Adam Lowe - - James Settle Highley, and William Casson, and As to Footpath, the Mayor, Aldermen, and Burgesses of the Borough of Halifax.	Mary Ann Lee, and as to Footpath the Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	255	John Gibson - -	John Gibson.
Public Road - -	256	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	257	Robert Edleston and Dickenson Edleston.	John Marchant.
Pasture Field - -	258	Charles Emmet - -	James Bates.
Pasture Field - -	259	John Abbott - -	John Longbottom.
Pasture Field and Cow-shed.	260	John Abbott -	John Longbottom.
Pasture Field - -	261	John Abbott - -	John Longbottom.
Pasture Field - -	262	John Abbott - -	John Longbottom.
Public Road - -	263	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	264	The Venerable Archdeacon Musgrave.	John Blagbrough.
Pasture Field - -	265	The Venerable Archdeacon Musgrave.	John Blagbrough.
Pasture Field - -	266	The Venerable Archdeacon Musgrave.	John Blagbrough.
Pasture Field - -	267	Thomas Selby Walsh -	Thomas Selby Walsh.
Public Road - -	268	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	269	George Buckston Browne -	John Edwards, Lessee. Joseph Wilson, Occupier.
Pasture Field and Plantation.	270	George Buckston Browne -	John Edwards, Lessee. Joseph Wilson, Occupier.
Public Road - -	271	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Yard, Privies, and Ash-place.	272	Mason Stanhope Kenny - George Armytage, and James Roberts - -	Joseph Wilson, David Whitehead, Thomas Whitaker, Robert Walsh, William Halstead, James Ogden, James Thornton,

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
			William Parker, John Croft, Sarah Windle, Abraham Greenwood, Jonas Sturrock, William Foster, Joseph Calcroft, Joseph Green, John Naylor, Timothy Naylor, and James Bottomley.
Pasture Field - -	273	Mason Stanhope Kenny and George Armytage.	John Clegg.
Pasture Field and Cow-shed.	274	Mason Stanhope Kenny and George Armytage.	John Calcroft.
Pasture Field - -	275	Arthur Saltmarsh - -	John Hoyle.
Pasture Field and Shed	276	Arthur Saltmarsh - -	John Hoyle.
Plantation - -	277	Mason Stanhope Kenny and George Armytage.	John Calcroft.
Garden - - -	193	Joseph William Bates -	William Brown.
Garden - - -	194	Joseph William Bates -	William Brown.
Privies and Ashpit -	195	Joseph William Bates -	Joseph William Bates.
Privy and Henhouse -	196	Joseph William Bates -	William Brown.
Pasture Field - -	197	Joseph William Bates	George Cockroft.
Private Road - -	198	James Farr - -	Mary Freeman.
		Lawson Hall, and - - -	William Robinson.
		Nancy Hudson - -	Albert Utley, Charles Mallinson, John Bentley Walker, Hannah Mann, Edward Blamire, Aaron Wilkinson, Nancy Hudson, Joseph Holt, Thomas Archer, John Crabtree, Samuel Blamire, William Smith, William Shaw, John Holmes, William Walker, Betty Sutcliffe, Alfred Pulman, and Thomas Lees.
Forecourt (portion of) -	199	Lawson Hall - -	William Robinson.
Yard and Ashpit -	200a	John Sutcliffe - -	John Sutcliffe, Thomas Wood, Thomas Pickles, Abraham Taylor, and Mary Fawcett.
Yard and Ashpit -	200b	John Sutcliffe - -	Martha Duffield, William Booth, James Ingham, and John McKenzie.
Forecourt - -	205	Thomas Chambers - -	Hannah Dodgson.
Forecourt - -	206	Thomas Chambers -	Sarah Parker.
Forecourt - -	207	Thomas Chambers - -	Joseph Bottomley.
Arable Land - -	233	James Sunderland and Mary his wife.	George Washington.
Pasture Field - -	234	Job Helm - - -	Pickles Roberts.
Garden - - -	235	Job Helm - - -	Pickles Roberts.
Occupation Road -	235a	Job Helm - - -	Henry Wilson, William Varley, James Riley, and John Shillito.
Pasture Field - -	236	Thomas Selby Walsh -	Thomas Selby Walsh.
Arable Field - -	237	Mary Anne Sunderland -	George Washington.
Arable Field - -	238	Mary Anne Sunderland -	George Washington.
Pasture Field and Plantation.	239	Daniel Ramsden -	Daniel Ramsden.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Pasture Field - -	240	Thomas Mitchell, - - Joseph Sowter, - - John Clegg, - - Joseph Hall, Daniel Ramsden, and Eagland Bray.	Thomas Mitchell, Joseph Sowter, and John Clegg.
Garden -	242	Evan Charles Sutherland Walker.	George Nicho n.
Pasture Field - -	243	George Buckston Browne -	John Edwards, Lessee. Joseph Wilson, Occupier.
Cottage - -	244	George Buckston Browne -	Sidney Stocks.
Garden - - -	245	George Buckston Browne -	Sidney Stocks.
Pasture Field - -	246	Robert Edleston and Dickenson Edleston.	Joseph Gaukroger, Thomas Gaukroger, and Henry Gaukroger.
Pasture Field - -	247	Esau Hanson and James Bairstow.	Esau Hanson and James Bairstow.
Pasture Field - -	248	Samuel Empsall - -	Samuel Empsall.
Warehouse - -	140	Abram Pulman - -	Joseph Sugden.
Public Street - -	142	Mayor, Aldermen, and Burgesses of the Borough of Halifax.	Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Cottage - -	143	Thomas Sayle and William Garlick.	Elizabeth Pickering.
Cottage - -	144	Thomas Sayle and William Garlick.	John Firth.
Cottage - -	145	Thomas Sayle and William Garlick.	Joseph Cooper.
Cottage - -	146	Thomas Sayle and William Garlick.	Charles Whiteley.
Cottage - -	147	Thomas Sayle and William Garlick.	Charles Whiteley.
Forecourt - -	148	Thomas Sayle and William Garlick.	Caroline Smith.
Cottage - -	149	Thomas Sayle and William Garlick.	Caroline Smith.
Cottage - -	152	Thomas Sayle and William Garlick.	Benjamin Crapper.
Washhouse - -	153	Thomas Sayle and William Garlick.	Benjamin Crapper.
Cottage - -	154	Thomas Sayle and William Garlick.	James Clegg.
Cottage -	155	Thomas Sayle and William Garlick.	Benjamin Crapper and George Hagin.
Cottage -	156	Thomas Sayle and William Garlick.	Edward Shoesmith.
Passage, Privy, and Ashpit.	156a	Thomas Sayle and William Garlick.	Edward Shoesmith, Benjamin Crapper, James Clegg, Benjamin Crapper, Charles Whiteley, and George Hagin.
Cottage - -	157	Thomas Sayle and William Garlick.	Alfred Hobson.
Cottage - -	158	Thomas Sayle and William Garlick.	Edward Lairton and Thomas Illingworth.
Cottage - -	159	Thomas Sayle and William Garlick.	Mary Carter.
Curriers Shop Yard, and Privy.	160	James Sunderland and Mary his Wife.	Robert Hill.
Stable and Pig Stye -	161	James Sunderland and Mary his Wife.	Robert Hill and Thomas Brown.
Pasture Land and Plantation.	162	James Sunderland and Mary his wife.	Henry Pearson.
Privy and Ashpit -	163	Edward Akroyd and James Akroyd Beaumont.	James Tiffany, Mary Spencer, James Best, Alfred Whitaker, and David Halmshaw.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Passage - -	163a	Edward Akroyd and James Akroyd Beaumont.	James Tiffany, Mary Spencer, James Best, Alfred Whitaker, and David Halmshaw.
Forecourt - -	164	Edward Akroyd and James Akroyd Beaumont.	Mary Spencer.
Forecourt - -	165	Edward Akroyd and James Akroyd Beaumont.	James Tiffany.
Public Street (Lower Brunswick Street).	166	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Butchers Shop - -	167	Joseph Vickerman -	Charles Peel.
Forecourt - -	168	Joseph Vickerman - -	John Waterhouse.
Forecourt - -	169	Joseph Vickerman - -	Joseph Mallinson.
Public Street - -	170	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Forecourt - -	171	Eliza Stephenson Denton -	William Smith.
Forecourt - -	172	Eliza Stephenson Denton -	Amos Rushworth.
Passage - -	173	Eliza Stephenson Denton -	Sarah Howarth, Elizabeth Fidler, Amos Rushworth, William Smith, Robert Greenwood, Ellen Walker, James Wild, Isabella Bentley, Nathan Crook, William Lee, and James Clegg.
Forecourt - -	174	Eliza Stephenson Denton -	Sarah Howarth.
Forecourt - -	175	Eliza Stephenson Denton -	Elizabeth Fidler.
House - -	176	John Pritchard and John William Balme.	Joseph Savile Stott.
Garden - - -	178	John Pritchard and John William Balme.	Joseph Savile Stott.
Private Road - -	179	John Pritchard and John William Balme.	John Pritchard, John William Balme and Joseph Savile Stott.
Garden - - -	180	John Pritchard and John William Balme.	Joseph Savile Stott.
Garden and Summer House.	181	Robert Edleston and Dickenson Edleston.	Joseph Savile Stott.
Building Land - -	182	Robert Edleston and Dickenson Edleston.	Robert Edleston and Dickenson Edleston.
Shed - - -	183	Robert Edleston and Dickenson Edleston.	George Wadsworth.
Croft - - -	185	Mary Anne Sunderland -	Joseph Thornton.
Pasture Field - -	186	Mary Anne Sunderland and John Abbott.	Joseph Thornton.
Pasture Field - -	187	Mary Anne Sunderland -	Joseph Thornton.
Garden - - -	10	Samuel Hodgson, John Carr, David Porter, John Baldwin, George Naylor, Joshua Appleyard, James Thistleton Haigh, Jonathan Smith, Thomas Nicholl, James Davy, and William Wood.	James Sutcliffe.
Chapel Yard, and Ash-pit.	11	Samuel Hodgson, John Carr, David Porter, John Baldwin, George Naylor, Joshua Appleyard,	Samuel Hodgson, John Carr, David Porter, John Baldwin, George Naylor, Joshua Appleyard,

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
		James Thistleton Haigh, Jonathan Smith, Thomas Nicholl, James Davy, and William Wood.	James Thistleton Haigh, Jonathan Smith, Thomas Nicholl, James Davy, and William Wood.
Yard - - -	13	Mary Harger - -	John Henry Leyland.
House - - -	14	Elizabeth Asquith - -	William Asquith.
House - - -	15	Elizabeth Asquith - -	Elizabeth Asquith.
House - - -	16	Elizabeth Asquith - -	Edward Pickles.
House and Shop and Cellar Cottage.	17	John Ingham - -	William Kerr and John Garvan.
House and Shop -	18	Henry Blackburn - -	Frances Wood.
House and Shop -	19	Henry Blackburn - -	John Greenwood.
House and Shop -	20	Henry Blackburn - -	John Archer.
Yard - - -	21	Henry Blackburn - -	Frances Wood, John Greenwood, John Archer, George Thomas, Nowell Clegg, Henry Wood, and Mark Haley.
House - - -	21a	Henry Blackburn - -	Nowell Clegg.
House and Forecourt -	22	Henry Blackburn - -	Henry Wood.
House and Forecourt -	22a	Henry Blackburn - -	Mark Haley.
Shop - -	23	Henry Blackburn - -	Betty Blagbrough.
House - - -	23a	Henry Blackburn - -	Daniel McCormick.
Yard - - -	24	Henry Blackburn - -	Lewis Holroyd, Michael Calligan, James Haley, and Daniel McCormick.
House and Shop -	25	Henry Blackburn - -	Lewis Holroyd.
Coal Staith and Yard -	27	Ann Ball - - -	Mary Hannah Rushworth.
House and Shop -	28	Ann Ball - - -	Joseph Aaron.
House - - -	29	James Crabtree - -	Joseph Balmforth.
Shed - - -	31	John Crossley - -	Thomas Worth.
House - - -	32	James Crabtree - -	Job Aspinall, Lessee, and Ely Rothwell, Occupier.
House - - -	36	James Crabtree - -	Michael Welsh.
Passage - -	37	John Horsfall and James Crabtree.	Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Mathew Uttley.
Shop - - -	38	John Horsfall - -	James Horner.
Shop - - -	39	John Horsfall - -	Henry Colbeck.
House and Shop -	40	John Horsfall - -	Henry Colbeck.
Cottage - -	41	John Horsfall - -	Richard Haigher and James Atkin.
Passage (Sun Fold) -	42	John Horsfall and James Crabtree.	Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin,

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
			James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Matthew Uttley.
Cottage and Steps -	43	John Horsfall - -	William Mitchell.
Cottage - -	44	John Horsfall - -	Thomas Watt.
House and Shop -	45	John Horsfall - -	James Bedforth.
Shop - - -	45a	John Horsfall - -	Matthew Uttley.
Public House - -	46	John Horsfall - -	John Horsfall
House and Shop -	47	John Hartley - -	John Hartley.
Stable, Brewhouse, and Privy - -	48	John Horsfall - -	John Horsfall.
Yard - - -	48a	John Horsfall - -	John Horsfall
Wash-kitchen and Privies	49	John Horsfall and James Crabtree.	Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Matthew Uttley.
House - - -	49a	James Crabtree - -	John Landers.
House and Chamber over Passage.	50	John Crossley - -	Patrick Naughton.
Privy and Yard -	50a	John Crossley - -	Thomas Worth, William Jagger, Michael Quirk, John Mc Cue, Larry Martin, and Patrick Naughton.
Yard, called Sun Fold -	51	John Horsfall and James Crabtree.	Job Aspinall, Lessee, Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Matthew Uttley.
House - - -	52	John Horsfall - -	John Martin.
House - -	53	John Horsfall - -	Henry Colbeck.
House - - -	54	John Horsfall - -	Edward Cullen.
House - - -	55	John Horsfall - -	Mary Cawley.
House - - -	56	John Horsfall - -	John McCormack.
Public House (Reed Inn)	58	Adam Priestley - -	Adam Priestley.
House, Shop, and Cellar, Cottage.	59	Adam Priestley - -	William Ramsden.
House and Cellar Cottage	60	Adam Priestley - -	Henrietta Priestley and Ellen Macgregor.
House and Cellar Cottage	61	Adam Priestley - -	Albert Veale and Hannah Priestley.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
House and Shop -	62	Evan Charles Sutherland Walker.	Samuel Whitehead and William Firth.
Shop - - -	63	Evan Charles Sutherland Walker.	Samuel Whitehead and John Bolton.
House and Shop -	64	Evan Charles Sutherland Walker.	Richard Stocks.
House - - -	65	Evan Charles Sutherland Walker.	William Musgrave,
House - - -	66	Evan Charles Sutherland Walker.	Catherine Cosgray.
House - - -	67	Evan Charles Sutherland Walker.	Ann Aked.
Privies and Ashpit -	68	Evan Charles Sutherland Walker.	Samuel Whitehead, John Bolton, Richard Stocks, William Firth, Ann Aked, Catherine Cosgray, and William Musgrave.
Yard, called Walker's Yard.	69	Evan Charles Sutherland Walker.	Samuel Whitehead, John Bolton, Richard Stocks, William Firth, Ann Aked, Catherine Cosgray, and William Musgrave.
House and Cellar Cottage	70	Evan Charles Sutherland Walker.	Terence Lenard and Samuel Whitehead.
House and Shop -	72	Evan Charles Sutherland Walker.	Thomas Barker.
House - - -	73	Evan Charles Sutherland Walker.	John Ward.
Shop - - -	74	Governors of the United Charities of Nathaniel Waterhouse.	James Eastwood, Lessee, Charles Whiteley, Occupier.
Beer-shop, House, and Fore-court.	75	Governors of the United Charities of Nathaniel Waterhouse.	James Eastwood, Lessee, Isaac Halliday, Occupier.
Back Yard - -	78	Governors of the United Charities of Nathaniel Waterhouse.	James Eastwood, Lessee, Isaac Halliday, Occupier.
Passage -	79	Evan Charles Sutherland Walker.	Edward Wild, Thomas Killeen, Henry Roberts, James McMaurice, John Ward, William Brear, John McMarris, Terence Lenard, Samuel Whitehead, Thomas Barker, William Booth, Malinda Hall, James McCormack, William Shoesmith, James Spencer, Richard Jenkinson, William Wells, James Farrar, and Abraham Jagger.
House - - -	80	Evan Charles Sutherland Walker.	Malinda Hall.
House - - -	81	Evan Charles Sutherland Walker.	William Booth.
House - - -	84	Evan Charles Sutherland Walker.	John Ward.
House - -	84a	Evan Charles Sutherland Walker.	William Brear.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
House - - -	84b	Evan Charles Sutherland Walker.	John McMarris.
Yard and Passage, called Hatter's Fold.	85	Evan Charles Sutherland Walker.	Edward Wild, Thomas Killeen, Henry Roberts, James McMaurice, John Ward, William Brear, John McMarris, Terence Lenard, Samuel Whitehead, Thomas Barker, William Booth, Malinda Hall, James McCormack, William Shoesmith, James Spencer, Richard Jenkinson, William Wells, James Farrar, and Abraham Jagger.
Yard, called Black Horse Yard.	86	Evan Charles Sutherland Walker.	William Bairstow, William Hainsworth, William Morton, Joseph Ogden, and William Denby.
Yard - - -	3	Robert Dudgeon - - Thomas Potter and Martha his Wife, and Evan Charles Sutherland Walker.	Benjamin Throp, and David Cordingley.
Privy and Ashplace -	4	Robert Dudgeon - - Thomas Potter and Martha his Wife, and Evan Charles Sutherland Walker.	Benjamin Throp, and David Cordingley.
Stable and Outbuildings.	5	Evan Charles Sutherland Walker.	Benjamin Throp.
Nursery Ground -	7	Evan Charles Sutherland Walker.	Benjamin Thorop.
House and Shop -	1	William Akroyd - -	Levi Bainbridge.
House and Cellar Cottage.	2	Jonathan Smith - -	John Shaw, and James Baines.
Cottage - -	96	John Crossley - - Joseph Crossley, and Francis Crossley.	Joseph Kilburn.
Cottage - -	97	John Crossley - - Joseph Crossley, and Francis Crossley.	Thomas Bairstow.
House and Cellar Cottage.	98	John Crossley - - Joseph Crossley, and Francis Crossley.	Ellen Horsfall, and Euphemia Gill.
Cottage - -	99	Robert Edleston and Dickenson Eldeston.	Martha Garside.
Cottage - -	100	Robert Edleston and Dickenson Edleston.	William Helliwell.
Cottage - -	101	Robert Edleston and Dickenson Edleston.	Susannah Dawson.
Cottage and Coal Place -	102	Robert Edleston and Dickenson Edleston.	Henry Dawson.
Yard, Portion of -	103	Robert Edleston and Dickenson Edleston.	Robert Edleston and Dickenson Edleston.
Dyehouse - -	104	Robert Edleston and Dickenson Edleston.	Robert Edleston and Dickenson Edleston.
House - - -	104a	Robert Edleston and Dickenson Edleston.	William Balme.
Workshop and Yard -	105	John Crossley - - Joseph Crossley, and Francis Crossley.	George Townsend, John Drake, and William Woodworth.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner,	Lessee or Occupier, or reputed Lessee or Occupier.
Millwrights Shop and Yard.	106	John Crossley - - Joseph Crossley, and Francis Crossley.	Joseph Keighley and Benjamin Keighley.
Public Footpath -	107	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Warehouse - -	108	John Crossley - - Joseph Crossley, and Francis Crossley.	John Crossley, Joseph Crossley, and Francis Crossley.
Workshop and Yard -	110	John Crossley - - Joseph Crossley, and Francis Crossley.	John Crossley, Joseph Crossley, and Francis Crossley.
Cottage - -	112	John Wadsworth - -	William Wadsworth.
Shop and Chamber over	113	John Wadsworth - -	James Taylor and Naomi Baker.
House and Shop -	113a	John Wadsworth - -	John Hadfield.
Yard - - -	113b	John Wadsworth - -	John Booth, William Wadsworth, James Taylor, and Naomi Baker.
Passage and Privy -	113c	John Wadsworth - -	John Booth, William Wadsworth, Naomi Baker, John Hadfield, James Taylor, John Wadsworth, and Mary Gaukroger.
Cottage and Outkitchen	114	John Wadsworth - -	John Booth.
House and Shop -	115	John Wadsworth - -	John Wadsworth.
House and Shop -	118	John Wadsworth - -	Mary Gaukroger.
Passage and Yard -	119	Richard Oates and John Oates.	Sarah Pearce, William Mumford, William Bottomley, and James Mitchell.
Cottage - -	120	Richard Oates and John Oates.	William Mumford.
Cottage - -	121	Richard Oates and John Oates.	William Bottomley.
Iron Foundry - -	122	Richard Oates and John Oates.	Richard Oates and John Oates.
Yard and Office -	125	Richard Oates and John Oates.	Richard Oates and John Oates.
Public Passage (Steps) -	126	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
House and Shop -	127	John Teale and Mary Teale.	Timothy Scholefield.
House and Shop, and Cottages over same.	128	John Teale and Mary Teale.	John Blagbrough, Henry James, and Betty Midgley.
House and Kitchen -	130	James Holroyd Oates -	Robert Bottomley.
House and Shop -	137	John Fisher - - John Gibson, and George Young.	Peter Watson.
House and Shop -	138	John Fisher - - John Gibson, and George Young.	Charles Spencer Jardine.
Public House (White Lion Inn).	139	Henry Charles McCrea and William Barber.	Ruth Adamson.
House and Pasture Field	210	John Crossley, Joseph Crossley, and Francis Crossley.	Edward Molyneaux.
Pasture Field - -	211	Mary Scott Byerley, Margaret Byerley, John Crossley, Joseph Crossley, and Francis Crossley.	William Smith and Henry Ramsden.
Delph Hill - -	212	John Crossley, Joseph Crossley, and Francis Crossley.	John Crossley, Joseph Crossley, and Francis Crossley.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Pasture Field - -	213	Mary Scott Byerley, Margaret Byerley, John Crossley, Joseph Crossley, and Francis Crossley.	William Smith and John Robinson.
Pasture Field - -	214	John Gott, and Thomas Adam.	John Gott and Thomas Adam.
Quarry - -	215	John Gott, and Thomas Adam.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Rough Field - -	216	John Gott, and Thomas Adam.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	217	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. James Firth, and Richard Horsfall, Occupiers.
Pasture Field - -	218	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. Richard Horsfall, Occupier.
Pasture Field - -	219	John Gott, and Thomas Adam.	William Smith, and George Wilcock.
Pasture Field - -	220	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. Richard Horsfall, Occupier.
Pasture Field - -	221	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. Richard Horsfall. Occupier.
Plantation Ground and Private Road.	223	John Gott, and Thomas Adam.	John Gott.
Gateway and Garden -	224	John Gott, and Thomas Adam.	William Smith, Lessee and Occupier.
House and Shop -	87	William Rawnsley - -	George Frederick Smeeton.
House and Shop -	88	William Rawnsley - -	Elizabeth Hall.
Privies and Ashplace -	89	William Rawnsley - -	George Frederick Smeeton and Elizabeth Hall.
Back Yard - -	90	William Rawnsley - -	George Frederick Smeeton and Elizabeth Hall.
Shop - - -	91	John Crossley - -	Samuel Crabtree and Thomas Crabtree.
Yard called Union Cross Yard.	92	John Crossley, John Riley, Thomas Bass, James Whewall, Samuel Swindell, Edward Akroyd, and James Akroyd Beaumont.	Sarah Daxon, John Riley, Richard Slade, Francis Rawlings, James Whewall, Samuel Swindell, William Tasker, John Walsh, Alfred Pigg, Henry Fleming, Thomas Bass, Samuel Crabtree, and Thomas Crabtree.
Yard - - -	93	John Crossley - -	Sarah Daxon.
Shed - - -	94	John Crossley - -	Sarah Daxon.
Workshop - -	95	Samuel Atkinson - -	Abraham Mitton and John Fox, Lessees. John Fitz-Simmonds, Thomas Clegg, and Samuel Hodgson, Occupiers.
Coal Staith - -	132	John Foster - -	John Ramsbottom.
Yard - - -	133	John Foster - -	John Ramsbottom.
Coal Staith - -	134	John Foster - -	Charles Whitaker.
House and Yard -	135	John Foster - -	William Soukill, Lessee, and Charles Whitaker, Occupier.
Pasture Field - -	278	William Byles, and James Davy.	Thomas Rushworth.
Pasture Field - -	279	Godfrey Wright - -	Henry Marshall.
Privy and Ashpit -	280	Godfrey Wright - -	Isaac Bates, Joseph Noble, Sarah Taylor, Benjamin Birtwhistle, John Emmet,

Local Government Supplemental.

Description of Lands, Messuages Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
			William Cooper, Frances Birtwhistle, Thomas Emmet, Fanny Richardson, Thomas Greenwood, and William Midgley.
Wash-kitchen -	282	Godfrey Wright - -	Henry Marshall.
Cottage - -	283	Godfrey Wright - -	Henry Marshall, and Henry Whitaker.
Privy and Ashpit -	284	Godfrey Wright - -	Henry Marshall, Henry Whitaker, Hannah Wade, and Mary Ann Helliwell.
Coal Shed - -	285	Godfrey Wright - -	Henry Marshall.
Yard - - -	286	Godfrey Wright - -	Henry Marshall, Henry Whitaker, Hannah Wade, and Mary Ann Helliwell.
Garden and Middenstead	225	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	William Asquith.
Pasture Field - -	226	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom.
Private Road - -	227	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland	Thomas Longbottom and John Thoseby.
Beer-house and Dwelling-house.	228	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom and John Thoseby.
Garden - - -	229	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom and John Thoseby.
Arable Field - -	230	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom and John Thoseby.
Arable Field - -	231	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom and John Thoseby.
Garden - -	232	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom and Benjamin Kendall.
Pasture Field - -	232a	John Greenwood - -	John Greenwood.
Forecourt and Back Street.	232b	William Asquith - -	William Asquith.
Private Street - -	232c	James Greenwood and William Asquith.	James Greenwood, William Asquith, Henry Coulton, and Charlotte Thornber.
Garden - -	232d	James Greenwood - -	Henry Coulton.
Private Road - -	232e	James Greenwood - -	James Greenwood, John Barker, and Henry Coulton.
Pasture Field - -	232f	Francis Crossley - -	George Fearnley and Thomas Hainsworth, Lessees and Occupiers.
Pasture Field - -	197	Joseph William Bates -	George Cockroft.
Garden and Ashpit -	201	John Shields, and Ann his Wife, Miles Ellison, and Mary Hannah his Wife, Ruth Chappell, Elizabeth Chappell, and James Bairstow.	James Bairstow.
Pasture Field - -	204	Joseph Wood - -	William Keighley and Eagland Bray.
Cottage - -	136	Moses Hartley - -	Sarah Haslem.
Public House and Dram Shop (Pine Apple Inn).	1	Hannah Barraclough and James Barraclough.	John Robinson.

Local Government Supplemental.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
House and Cellar Cottage.	2	Hannah Barraclough and James Barraclough.	James Richardson and Joseph Bateman.
Forecourt - -	3	Hannah Barraclough and James Barraclough.	Betty Dilworth.
Forecourt - -	4	Hannah Barraclough and James Barraclough.	Susannah Ingham.
Private Street (Back Pollard Street).	5	Hannah Barraclough, James Barraclough, Esther Mann, James Heap, Sarah Riley, and Thomas Adam.	Susannah Ingham, Frederick Baldwin, Charles Lacy, Betty Dilworth, James Holland, Sarah Ann Scholefield, James Wood, George Rushworth, Leah Ibbetson, Isaac Hanson, Thomas Mann, Robert Phelon, and John Naylor.

IPSWICH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Local Board of Health for the Borough of Ipswich, in the County of Suffolk, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Ipswich, in the County of Suffolk, being the Local Board of Health in and for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under their Common Seal, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve the street called King's Street in the said Borough.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Ipswich, in the County of Suffolk, being the Local Board of Health for the said Borough, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand this Second day of April 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following :—

Property to be taken.	Owner.	Lessee.	Occupier.
A house, shop, yard, and hereditaments, with the appurtenances.	Richard Stinton Cole.	- - -	Richard Stinton Cole.
A house, workshop, and hereditaments, with the appurtenances.	The same - -	William Cudding, junior.	William Cudding, junior.

SANDOWN.

Provisional Order repealing a Local Act in force within the District of the Sandown Local Board.—Local Government Act, 1858.

Whereas the Local Board for the District of Sandown, in the Isle of Wight, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the Isle of Wight aforesaid, so far as such Act affects the said District of Sandown, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifty-third year of the reign of King George the Third, intituled "An Act for amending the Roads and Highways in the Isle of Wight."

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petition.

And

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Act shall be repealed so far as such Act affects the District of the aforesaid Local Board of Sandown

Given under my Hand this Twenty-ninth day of April 1862

(Signed) G. GREY.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

** ***\

of a permanent Substitute in case of his being permanently incapacitated by old Age or Infirmity:

5. The Remuneration of any such temporary or permanent Substitute out of the Income of the Professor in whose Place he is substituted:

6. The Constitution of a Court or other Authority empowered to admonish and, if necessary, remove a Professor guilty of notable Negligence or Inefficiency in conducting the Duties of his Office, or of Immorality.

Power of University as to Professorships in Schedule.

2. The University may by Statute determine in respect of each of the Professorships specified in the said Schedule (other than the Professorship of Political Economy and the *Sherard* Professorship of Botany) how and by whom upon the Occasion of the next or any subsequent Avoidance of such Professorship the Professor is to be elected, and in the Case of the *Sherard* Professorship of Botany therein named the Professor shall be appointed by the President and Council for the Time being of the Royal College of Physicians of *London*; and the said University may, with Consent of the said President and Council of the College of Physicians, vary and define the Qualifications of Candidates for Election to the said *Sherard* Professorship.

Suppression of certain Professorships.

3. If at any Time hereafter a new Professorship of Political Economy, Chemistry, Geology, or Mineralogy is established in the University of *Oxford* it shall be lawful for the University by Statute to suppress the existing Professorship of that Science for which Provision is made by a new Professorship, and after the Suppression of any Professorship authorized to be suppressed by this Section the annual Sum now payable by the University as a Salary to the Professor holding the suppressed Professorship shall be applied in promoting and assisting, by the Purchase of Materials or Apparatus, by the Support of Assistant Teachers, or by such other Means as the University may by Statute determine, the Study and Cultivation in the University of the Science which forms the Subject Matter of the suppressed Professorship: Provided that if the Professorship of Mineralogy is suppressed the annual Sum thereby rendered disposable may, if it be thought fit, be applied in manner aforesaid to the Promotion of the Study of Geology or any Branch thereof, and if the Professorship of Geology be suppressed the annual Sum may, if it be thought fit, be applied to the Promotion of the Study of Mineralogy or any Branch thereof.

Extension of Power of suppressing Professorships.

4. The Power hereby given to the University of suppressing any of the said Professorships of Political Economy, Chemistry, Geology, or Mineralogy may be exercised although the new Professorship substituted for any suppressed Professorship is a Professorship attached to a College, and established under a Statute of such College now in force, if the Functions and Duties of such new Professorship are subject to Regulation by the University, and are not confined to the Instruction of Members of the College.

5. The

5. The Election or Appointment of any Person who may be hereafter elected or appointed to any of the said Professorships of Political Economy, Chemistry, Geology, and Mineralogy may, if it be thought fit, be declared by Statute of the University to be subject to the Operation of any Statute for the Suppression of the Professorship that may afterwards be made or come into operation.

Conditions may be annexed to certain Professorships.

6. The University may vary by Statute the Directions, Trusts, or Regulations relating to the *Kennicott* Scholarships, and to the *Johnson* Scholarships, and to the *Denyer* Theological Prizes, with a view of promoting the Study of Theology, Hebrew, and Mathematics respectively, and may for that Purpose, if it be deemed advisable, convert the *Denyer* Theological Prizes into a Theological Scholarship or Scholarships.

Variation of the Trusts of certain Scholarships.

7. Every Statute passed by the University by virtue of this Act shall with all convenient Speed after the passing thereof be laid before Her Majesty in Council, and forthwith published in the *London Gazette*, and any Person or Body Corporate affected thereby may within a Month after the Publication thereof petition Her Majesty in Council against the same or any Part thereof, and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, and such Five Members may, if they think fit, admit any Petitioner to be heard by Counsel in support of his Petition; and if, no such Petition having been presented, or if after any Petition so presented has been referred and considered, such Five Members of the Privy Council, or the major Part thereof, shall report to Her Majesty their Opinion that such Statute should be approved with or without Modifications, the said Statute or modified Statute shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, or if not, then within Three Weeks after the Commencement of the then next ensuing Session of Parliament, and unless an Address be within Forty Days presented by one or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statute or modified Statute, or any Part thereof, it shall be lawful for Her Majesty, if She think fit, to declare by Order in Council Her Approbation of the Statute or modified Statute, and the same shall thereupon become a Statute of the University of *Oxford*, notwithstanding any Act of Parliament, Decree or Order, Deed or Instrument of Foundation or Endowment; and if the Statute or any Part thereof is not so approved by Her Majesty, the University may frame and pass another Statute in the Matter, and so on from Time to Time as often as Occasion requires.

Approbation of Statutes by Her Majesty in Council.

8. Every Statute made by the University by virtue of this Act shall be subject to Alteration or Repeal by the University, with the Approval of Her Majesty in Council.

Power of altering Statutes made under this Act.

9. Every

Repeal of University Statutes.

9. Every Statute of the University made in pursuance of the said Act of the Seventeenth and Eighteenth Years of Her present Majesty Queen *Victoria*, Chapter Eighty-one, and intituled *An Act to make further Provision for the good Government and Extension of the University of* Oxford, *of the Colleges therein, and of the College of* Saint Mary, Winchester, which has been approved by Her Majesty in Council, shall from and after the passing of this Act be subject to Alteration and Repeal by the University, with the Approval of Her Majesty in Council.

Saving of Rights.

10. This Act shall not be construed to take away or affect any Power of making Statutes or Regulations now possessed by the University or by any College therein, nor shall it prejudice or affect any Interest vested in any Member of the University previously to the passing of this Act.

Interpretation of Terms.

11. In the Construction of this Act the Words "Professor" and "Professorship" respectively shall include Public Readers and Prælectors, and their several Offices.

Power to Vice Chancellor to make Rules for Regulation of his Court.

12. Section Forty-five of the said Act of the Session of the Seventeenth and Eighteenth Years of Her present Majesty shall be repealed, and in lieu thereof be it enacted, That the Vice Chancellor of the said University may from Time to Time, with the Approval of any Three of the Judges of Her Majesty's Superior Courts, make Rules for regulating the Practice and Forms of Procedure in all Proceedings within the Jurisdiction of the Court of the Chancellor of the said University commonly called the Vice Chancellor's Court, and may from Time to Time, with the like Approval, annul, alter, or add to any such Rules.

Short Title.

13. This Act may be cited for all Purposes as "The *Oxford* University Act, 1862."

SCHEDULE.

The Professorship of Political Economy.
The Readership in Experimental Philosophy.
The Sherard Professorship of Botany.
The Aldrich Professorship of Chemistry.
The Readership in Geology.
The Readership in Mineralogy.

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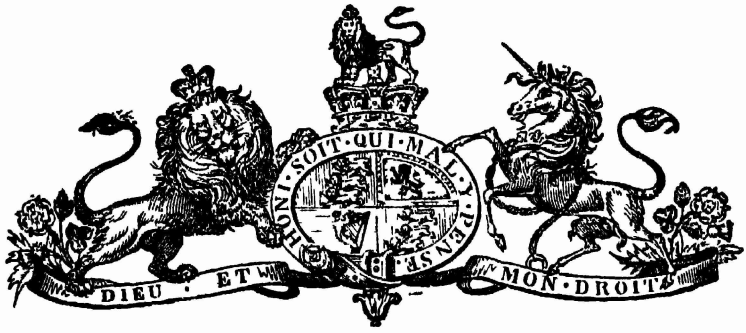

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of *India* to the Account of Her Majesty's Exchequer such Sum as therein mentioned, being the same as is herein required to be paid for a further limited Period: And whereas it is expedient that the Payment so made should be continued as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Future Charge on Revenues of India.

1. From the Thirty-first Day of *March* One thousand eight hundred and sixty-two until the Thirty-first Day of *March* One thousand eight hundred and sixty-seven there shall be paid annually out of the Revenues of *India*, to the Account of Her Majesty's Exchequer at the Bank of *England*, in respect of the above-mentioned Charge, a Sum calculated at the Rate of Three Pounds Ten Shillings *per* Head *per Annum* upon the Number of Her Majesty's *British* Forces chargeable upon the said Revenues of *India*, exclusive of the Number at the Depôts or on Passage, as shown by the Monthly Muster Rolls, the Payment to be made monthly, and to be calculated upon the Number shown in the last Monthly Muster Rolls received in *England* before each Month for which Payment is to be made.

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and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Commissioners to alter Conditions of Dr. Murray's Bequest.

1. It shall be lawful for the Commissioners under the said Act, at any Time prior to the First Day of *January* One thousand eight hundred and sixty-three, to alter or modify the Conditions and Directions affecting the Bequest of the said Doctor *Alexander Murray* in the University of *Aberdeen*, notwithstanding that the same may not have taken effect more than Fifty Years before the Date of the said Act.

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"same, to the Erection of Scutch Mills for Flax in *Ireland*;" and a further Act was passed in the Twenty-third Year of Her Majesty, Chapter Nineteen, "to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes in *Ireland*;" and a further Act was passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-four, "to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in *Ireland*, and to further provide for the Erection of Dwellings for the Labouring Poor in *Ireland*:" And whereas it is expedient to amend and enlarge the Provisions of the said recited Acts in the Manner herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

23 & 24 Vict. c. 19.

24 & 25 Vict. c. 34.

Power to Commissioners of Public Works to make additional Loans.

1. That notwithstanding anything in the said Act of the Thirteenth and Fourteenth of Her Majesty, Chapter Thirty-one, to the contrary, it shall be lawful for the Commissioners of Public Works, with the Sanction of the Commissioners of Her Majesty's Treasury, to make Loans to any Owner of Land in *Ireland* under the Provisions and for the Purposes of the said recited Acts or any of them, of any Sum or Sums of Money not exceeding in the whole the Sum of Three thousand Pounds to any One Owner, in addition to and over and above any Sum or Sums of Money which the said Commissioners of Public Works may have heretofore advanced or are authorized to advance under the Powers and Provisions of the said recited Acts or any of them.

Power of Commissioners to make Loans as authorized by 24 & 25 Vict. c. 34. not affected.

2. Provided that nothing in this Act contained shall affect, lessen, or abridge the Power of the said Commissioners of Public Works to advance Money for the Erection of Dwellings for the Labouring Classes in *Ireland*, to the Amount specified in and by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-four, as if this Act had not passed.

Time for Completion of Works extended.

3. It shall be lawful for the said Commissioners of Public Works to fix for the Completion of any Works for which Loans may be made under the said recited Acts and this Act such Period, and from Time to Time such further Period within Seven Years from the Date of the first Advance of any Loan under the said recited Acts or this Act, as the said Commissioners may think fit.

Recited Acts and this Act to be as One.

4. This Act and the said recited Acts shall be construed together as One Act.

5. The

5. The Powers conferred by the First Section of this Act upon the Commissioners of Public Works shall be in force until the First Day of *January* One thousand eight hundred and sixty-four.

Duration of Powers of Commissioners.

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of that Act, by quarterly Instalments or Issues not exceeding Eighty-seven thousand five hundred Pounds *per* Quarter, as therein mentioned: And whereas it is expedient to amend the said Act, and to provide that instead of making such Issues quarterly the same may be issued from Time to Time when and as the same or any Part thereof shall be actually required for the Purposes of Loans authorized by the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instalments may be issued when required for Purposes of Loans under recited Act, instead of quarterly.

1. In case any or either of the said Instalments authorized by the said Act to be issued shall not be required by the Commissioners for carrying into execution the said Act to be issued quarterly, and shall not have been issued, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, or at any Time after the Expiration of any such Quarter, to issue out of the growing Produce of the Consolidated Fund for the Purposes of the said Act all or such Part or Parts of the said respective quarterly Instalments which shall not have been previously issued as shall from Time to Time be required by the Commissioners for carrying into execution the said Act: Provided always, that nothing in this Act contained shall authorize the Issue of any larger Sum or Sums of Money in the whole than the aggregate Amount of the quarterly Instalments or Issues which under the Terms of the said recited Act may then have become due or issuable.

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CAP. XXXI.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two. [7th *July* 1862.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1862 the Sum of

1. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty-two, the Sum of Ten Millions out of the Consolidated Fund of the United Kingdom of

10,000,000*l.* out of the Consolidated Fund.

of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 10,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

2. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

3. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

4. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 10,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

5. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

6. It

Consolidated Fund (£10,000,000).

6. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

7. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

8. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

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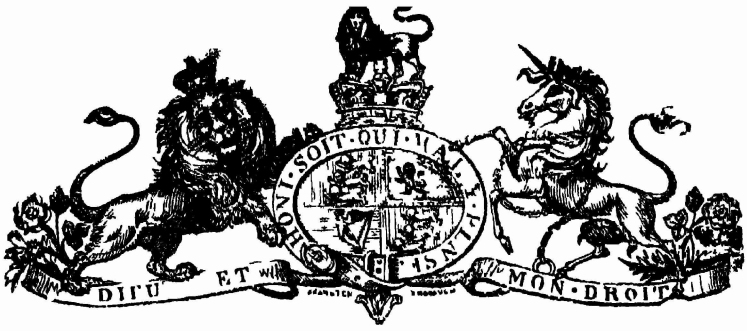

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XXXII.

An Act to continue the Act of the Second and Third Years of *Victoria*, Chapter Seventy-four, for preventing the administering of unlawful Oaths in *Ireland*, as amended by an Act of the Eleventh and Twelfth Years of *Victoria*.

[7th *July* 1862.]

WHEREAS an Act was passed in the Fiftieth Year of His Majesty King *George* the Third, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in* Ireland; *and for the Protection of Magistrates and Witnesses in Criminal Cases:* And whereas the said Act was amended by an Act passed in the Fourth Year of His Majesty King *George* the Fourth, Chapter Eighty-seven: And whereas the Provisions of the said last-mentioned Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the Second and Third Years of Her Majesty, Chapter Seventy-four: And whereas by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty, Chapter Seventy-eight, the said last-recited Act was continued for the further Period of One Year from the First Day of *September* in the Year One thousand eight hundred and forty-four: And whereas by an Act passed in the Session of Parliament holden in the Eighth and

50 G. 3. c. 102.

4 G. 4. c. 87.

2 & 3 Vict. c. 74.

7 & 8 Vict. c. 78.

8 & 9 Vict. c. 55.

Ninth Years of Her Majesty, Chapter Fifty-five, the said Act of the Second and Third Years of Her Majesty (subject to an Amendment in the said Act of the Eighth and Ninth Years of Her Majesty contained) was continued in force for the further Period of Two Years from the First Day of *September* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament: And whereas by an Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Eighty-nine, the said last-mentioned Act was amended, and further continued, as so amended, for Two Years from the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and until the End of the then next Session of Parliament: And whereas by an Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Forty-eight, the said Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Eighth and Ninth Years of Her Majesty, and by the said Act of the Eleventh and Twelfth Years of Her Majesty, was further continued for Five Years from the First Day of *August* One thousand eight hundred and fifty-one, and until the End of the then next Session of Parliament: And whereas by an Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Seventy-eight, the said Act of the Eighth and Ninth Years of Her Majesty, Chapter Fifty-five, was repealed, and certain Provisions of the said Act of the Second and Third Years of Her Majesty, which had been repealed by the said Act of the Eighth and Ninth Years of Her Majesty, were revived, and the said Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, was continued for the further Period of Five Years from the passing of that Act, and until the End of the present Session of Parliament: And whereas it is expedient that the said Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 89.

14 & 15 Vict. c. 48.

19 & 20 Vict. c. 78.

2 & 3 Vict. c. 74. as amended by 11 & 12 Vict. c. 89. further continued.

The said recited Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, shall be and continue in force for the further Period of Five Years from the passing of this Act, and until the End of the then next Session of Parliament.

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CAP. XXXIII.

An Act for vesting in Her Majesty's Principal Secretary of State for the War Department the Lands of the Royal Military College at *Sandhurst*, and for completing certain Exchanges of Lands now or late of the said College.

[7th *July* 1862.]

WHEREAS the Royal Military College at *Sandhurst* in the County of *Berks* is regulated by a Warrant under the Sign Manual of King *George* the Third, dated the Twenty-seventh Day of *May* One thousand eight hundred and eight, and it is provided by the Regulations established by such Warrant that the Lands and Property belonging to the said College shall be under the Care of the Governor and the Collegiate Board thereby constituted, subject to the Directions of the Board of Commissioners thereby also constituted: And whereas Parts of the Lands belonging to the said College, and situate respectively in the Parish of *Sandhurst* in the County of *Berks*, and the Parish of *Ash* in the County of *Surrey*, are vested in Her Majesty, and other Parts thereof were, on the Acquisition thereof for the Purposes of the said College, conveyed in trust for Her Majesty to certain of the Commissioners of the said College, or otherwise to Persons having no corporate Capacity, and

 have

have devolved upon the Heir-at-Law of the Person to whom such Lands were conveyed, or of the last Survivor of such Persons (where more than One), and it is impossible or difficult to ascertain who is such Heir-at-Law in each Case: And whereas Portions of the Lands formerly belonging to the said College were respectively in or about the Years One thousand eight hundred and seventeen and One thousand eight hundred and twenty exchanged for Lands belonging to the Crown as Part of the Hereditary Possessions thereof, but the Exchanges of such Lands have not been duly completed, and it is expedient that the same should be confirmed and made effectual: And whereas it is expedient that all Lands belonging to the said College should be vested in Her Majesty's Principal Secretary of State for the War Department, subject nevertheless to the said Royal Warrant or such other Royal Warrant as for the Time being may be in force in relation thereto: And whereas a Map or Plan of all the said Lands has been made and signed in duplicate by the Governor of the said College and by One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and upon such Map or Plan are distinguished by a Red Edging the Lands now holden by or belonging to the said College, and by a Yellow Edging the Lands now holden by or belonging to the Crown, respectively, under the said Exchanges: And whereas One of the Duplicates of the said Map or Plan has been or is about to be deposited with Her Majesty's Principal Secretary of State for the War Department, and the other Duplicate has been or is about to be deposited in the Office of Land Revenue Records and Enrolments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Upon passing of this Act Lands of the Royal Military College to vest in Secretary for War.

1. The Lands described or delineated on the said Map or Plan, and surrounded thereon by a Red Edging, shall, upon the passing of this Act, become and be vested in Her Majesty's Principal Secretary of State for the War Department on behalf of Her Majesty for all the Estate and Interest now vested in Her Majesty, or any Person or Persons in trust for Her Majesty, subject nevertheless to the said Royal Warrant, or such other Royal Warrant (if any) as for the Time being may be in force in relation thereto.

Certain Lands on passing of this Act to vest in the Crown.

2. The Lands described or delineated on the said Map or Plan, and surrounded thereon by a Yellow Edging, shall, upon the passing of this Act, become and be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions of the Crown.

Conveyances of certain Land to the Church

3. And whereas the Lands coloured Green and Brown respectively on the said Map or Plan were in or about the Years One thousand eight

eight hundred and forty-eight and One thousand eight hundred and fifty-three conveyed or expressed to be conveyed to Her Majesty's Commissioners for building new Churches by the Persons therein named and therein described as the Principal Officers of the said College, with the Consent and Approbation of Three of the Commissioners of Her Majesty's Treasury: And whereas it is expedient that such Conveyances should be confirmed:

Building Commissioners confirmed.

The said Conveyances shall be deemed to have been valid and effectual to vest the Lands thereby expressed to be conveyed in the said Commissioners and their Successors, according to the Intent thereof.

4. Nothing in this Act shall affect or prejudice any Estates, Rights, or Interests of any Person or Persons whomsoever other than the Estates, Rights, and Interests of or to which Her Majesty, Her Heirs and Successors, or any of them, are or but for the passing of this Act might be seised, possessed, or entitled, or of or to which any other Person or Persons are or but for the passing of this Act might be seised, possessed, or entitled in trust for Her Majesty, Her Heirs and Successors, or any of them.

Saving of Rights to those herein named.

5. In the Construction of this Act, the Style or Title "Her Majesty's Principal Secretary of State for the War Department" shall mean Her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department, and the Word "Person" shall include a "Corporation."

Interpretation of Terms.

6. In citing this Act in any Act of Parliament, Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The *Sandhurst* Vesting Act, 1862."

Short Title.

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Portsdown Fair Discontinuance.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On passing of this Act Portsdown Fair, and the Right to receive Tolls, to cease.

1. From and after the passing of this Act, the Fair called *Portsdown* Fair, held under the said Charter in the Manor of *Widley* in the County of *Southampton*, for the selling of all and all Manner of Beasts and Cattle, and of all Manner of Goods, Wares, and Merchandises commonly in Fairs bought and sold, and the Franchise of holding the same and of receiving Tolls in respect thereof, shall absolutely cease, and no Persons shall have any Right to resort to or continue on the Land on which the same Fair has hitherto been held for any Purpose connected with the said Fair, or in pursuance of any Charter, Custom, or Right relating to such Fair.

Notice of this Act to be given by Advertisement.

2. The said Principal Secretary shall cause due Notice of this Act to be given by Advertisement in the *London Gazette* and in One or more local Newspaper or Newspapers circulating in the said County of *Southampton*, and by causing a Notice thereof to be placed on the outer Door of the Town Hall within the Borough of *Portsmouth*.

Nothing to affect Right of Thos. Thistlethwayte to Compensation in respect of the said Fair.

3. Nothing herein contained shall be construed to prejudice or affect the Right of the said *Thomas Thistlethwayte* to receive Compensation in respect of the Franchise of holding the said Fair and receiving the said Tolls or otherwise payable to him under the Defence Act, 1860.

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Bounds of such Burghs upon the Second *Tuesday* of *April* and the Third *Tuesday* in *October* in each Year, and the Justices of the Peace for the several Counties or Districts shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within such several Counties or Districts on the Third *Tuesday* of *April* and the last *Tuesday* of *October* in each Year; and it shall be lawful for such Magistrates and Justices respectively to adjourn such Meetings from Time to Time, as they shall think fit, during the Period of One Month next after the Day of their First Meeting, but no longer.

Forms of Certificates.

2. The Forms of Certificates contained in Schedule (A.) to this Act annexed shall come in place of the Forms of Certificates provided by the recited Acts or either of them; and it shall be lawful for the Justices of the Peace for any County or District, or the Magistrates of any Burgh, where they shall deem it inexpedient to grant to any Person a Certificate in the Form applied for, to grant him a Certificate in any other of the Forms contained in the said Schedule: Provided always, that in any particular Locality within any County or District or Burgh requiring other Hours for opening and closing Inns and Hotels and Public Houses than those specified in the Forms of Certificates in said Schedule applicable thereto, it shall be lawful for such Justices or Magistrates respectively to insert in such Certificates such other Hours, not being earlier than Six of the Clock or later than Eight of the Clock in the Morning for opening, or earlier than Nine of the Clock or later than Eleven of the Clock in the Evening for closing the same, as they shall think fit: And the Penalties and Forfeitures provided by the recited Acts, or either of them, for Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates, shall apply to Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates granted under this Act.

Penalties for Breaches of Certificate.

Certificates for the Sale of Spirits and Wine, to include Authority to sell Porter, Ale, Beer, &c.

3. Every Certificate to be hereafter granted for the Sale by Retail in any House or Premises of Spirits or Wine shall include an Authority for the Sale by Retail in such House or Premises of Porter, Ale, Beer, Cyder, and Perry, and such Certificate shall have the Effect of enabling the Party in favour of whom the same shall have been granted to obtain any Licence or Licences for such Purposes: Provided always, that nothing herein contained shall be held to prevent the Justices or Magistrates from granting a Certificate in any of the Forms in the said Schedule contained for the Sale by Retail of Wine, Porter, Ale, Beer, Cyder, or Perry, or of Porter, Ale, Beer, Cyder, or Perry only.

4. If

4. If any Certificate shall be granted contrary to the Terms and Provisions of this Act the same shall be null and void to all Intents and Purposes.

Certificates granted contrary to this Act void.

5. No Licence for the Sale of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises of the Person licensed or not, shall be granted by the Commissioners of Inland Revenue, or by any Officer of Inland Revenue, to any Person in *Scotland* who shall not produce to the said Commissioners or Officer a Certificate granted in Terms of this Act, enabling the Party to obtain such Licence, and every Licence which shall be granted contrary to the Terms of this Act shall be null and void to all Intents and Purposes.

Licences not to be granted without a Certificate obtained under this Act.

6. On a Representation being made to the Chief Magistrate, or failing him the Two Senior Acting Magistrates of any Burgh, or to any Two Justices of the Peace of any County respectively by any Person holding a Certificate for keeping an Inn and Hotel or Public House, and duly licensed to sell Exciseable Liquors to be consumed on the Premises, that it is intended that any public or special Entertainment shall take place therein, or in any other Place or Premises situated within the respective Jurisdictions of such Chief Magistrate or Magistrates or Justices, during any particular Time, such Chief Magistrate or Magistrates or Justices, as the Case may be, may, if he or they shall think fit, and on being satisfied that such Inn and Hotel, or Public House, Place, or Premises possesses the necessary Accommodation, and that the Entertainment is for a public or special Occasion of a legitimate and proper Character, and not originating directly or indirectly with the Person holding such Certificate, grant such Person a special Permission in Writing to keep such Inn and Hotel, or Public House, Place, or Premises open, and to sell therein, on such public or special Occasion, and for that Purpose only, such Exciseable Liquors as he may be duly licensed to sell as aforesaid during such Time, and beyond the Hour prescribed by his Certificate for closing, *Sunday* excepted, and under such Regulations as such Chief Magistrate or Magistrates or Justices of the Peace shall think fit to appoint: Provided always, that such Magistrate or Magistrates or Justices are entitled to grant Certificates, and that such Justices are also Heritors of or resident in the Parish in which such Inn and Hotel, Public House, Place, or Premises shall be situated, or, where there shall be no such Justices Heritors of or resident in such Parish, Heritors of or resident in some next adjacent Parish; and it shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any *April* Half-yearly Meeting for the granting and Renewal of Certificates, to make

Chief Magistrate or Justices on special Occasions may grant Permission to keep Houses, &c. open during particular Times.

make such general Regulations touching such Permissions as they shall think fit, and such special Permissions shall be subject to such general Regulations: And provided further, that the Person obtaining such special Permission shall lodge the same with the Superintendent or other Chief Officer of Police of the District at least Twenty-four Hours before the Commencement of such public or special Entertainment, and such Superintendent or Chief Officer of Police shall furnish such Person with a certified Copy thereof, which shall be shown to any Officer of Police or Constable requiring to see the same: And provided also, that the Party holding such special Permission shall also have obtained an occasional Excise Licence in that Behalf.

Persons holding Licences for the Sale of Table Beer to be subject to the same Conditions as Persons holding Certificates.

7 Whereas by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty certain Duties of Excise and Stamps*, it is enacted, "that it shall be lawful for "any Person to take out a Licence for the Sale in any House or "Shop of Table Beer at a Price not exceeding One Penny Half-"penny the Quart, and not to be drunk or consumed on the Pre-"mises where sold, and that it shall not be necessary to the obtain-"ing of such Licence that the said House or Shop shall be rated to "the Relief of the Poor to any Amount, or that the Person applying "for such Licence shall produce any Certificate or enter into any "Bond required by any Act relating to the Sale of Beer by Retail:" And whereas it is expedient that Provision should by this Act be made for the proper and orderly Regulation of the Houses, Shops, and Premises kept by such Persons: Be it therefore enacted, That every such Licence shall be held by the Person who shall have obtained the same on the Terms, Provisions, and Conditions following; *viz.*, that he shall not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within his Premises, or supply Liquors to Persons in a State of Intoxication, and shall not sell or give any such Table Beer to be drunk or consumed on the said Premises; and shall not sell or give out therefrom any such Table Beer before Eight of the Clock in the Morning or after Eleven of the Clock at Night of any Day; and shall not open his Premises for the Sale of any Table Beer, or any Goods or Commodities whatsoever, or sell or give out the same on *Sunday*; and lastly, shall maintain good Order and Rule within his Premises; and in case any Person holding any such Licence shall offend against any of the said Terms, Provisions, and Conditions, every Person so offending shall for every such Offence forfeit and undergo the several Penalties provided by the Twenty-first Section of the herein first-recited Act for the Punishment of Offences against the Terms and Conditions of Certificates; and in addition to such Penalties the Licence granted to such Person may be declared to be forfeited and to become null and

and void; and every such Offence shall be prosecuted, tried, and determined in the same Manner, and before the same Courts, and subject to the same Conditions, as Breaches of Certificate or Offences against the Terms and Conditions thereof may be prosecuted, tried, and determined.

Form of Applications for Certificates.

8. If any Person shall be desirous of keeping an Inn and Hotel, Public House, Shop, or Premises for the Sale therein of Spirits, Wine, Beer, or other Exciseable Liquors, whether to be consumed on the Premises or not, he shall, previous to the granting to him of a Certificate for that Purpose, or the Renewal of any such Certificate already granted, truly fill up an Application for such Certificate in the Form contained in the First Part of Schedule (B.) to this Act annexed, and shall truly answer the several Queries therein contained; and Printed Forms for such Application shall be supplied to the Applicant by the Clerk of the Peace for the County or District, or the Town Clerk of the Burgh in which such Inn and Hotel, Public House, Shop, or Premises shall be situate, upon Payment to him of a Fee of Sixpence for each Copy thereof, and every such Application shall be filled up in a fair and legible Hand, and shall be signed by the Applicant or his Agent thereunto authorized, and shall be lodged by the Applicant with such Clerk of the Peace or Town Clerk, as the Case may be, Fourteen Days at least before the General Meeting of the Justices of the Peace or Magistrates for granting and renewing Certificates: Provided always, that it shall not be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, to entertain any Application for any Certificate for the Sale of Exciseable Liquors with respect to any House or Premises not licensed, and for which there is no Certificate at the Time of making such Application, until a Report shall have been made and subscribed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh respectively, such Justice or Magistrate being entitled to grant Certificates, stating that the same are of suitable Construction and Accommodation for the Purpose applied for, and accompanied with a Certificate as to the Applicant's Character and Qualification, signed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh, and which said Report and Certificate respectively shall be in the Form, or, as nearly as may be, in the Form contained in the Second Part of Schedule (B.) to this Act annexed: Provided also, that the Justices in Quarter Sessions, to whom any Appeal shall be made from a Deliverance, granting or refusing any Application for a Certificate, may by themselves, or any One or more of their Number, inspect the Premises for which a Certificate is applied, and review the said Report.

9. Where

Certificate of Character and Qualification not necessary with Application for Renewal of Certificate.

9. Where any Person shall be desirous of obtaining a Renewal of any subsisting Certificate, granted to him in Terms of this Act, which has not been transferred during the current Half Year, it shall not be necessary that he produce along with his Application any Recommendation or Certificate of Character and Qualification: Provided always, that such Exemption shall not be held to interfere with the Powers of Justices and Magistrates under the said recited Acts or this Act to deal with such Application.

List of new Applications for Certificates to be published.

10. The Clerk of the Peace of every County or District and the Town Clerk of every Burgh shall, at least Ten Days before the General Meeting of the Justices of the Peace, or the Magistrates, as the Case may be, for the granting and Renewal of Certificates for the Sale of Exciseable Liquors, make out and advertise, at least twice in One or more Newspapers printed or generally circulated in the District, a complete List, in the Form, or as nearly as may be in the Form, set forth in Schedule (C.) to this Act annexed, of all Applications for Certificates within their respective Bounds for Premises not at the Time certificated; and of all Applications by new Tenants or Occupants of Premises at the Time certificated; and also of all Applications for Renewal of Certificates which have been transferred during the Currency of the previous Half Year; and such Clerks of the Peace shall also, within the said Time, transmit by Post, with Postage prepaid, to the Registrar or Registrars of every Parish within their respective Counties or Districts, a Copy of the List of such Applications in so far as applicable to the Parish of such Registrar or Registrars, who are hereby required to preserve the same, and to give Access thereto to any Party applying for Inspection thereof upon Payment of a Fee of One Shilling for such Inspection: And it shall be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, at any *April* Half-yearly Meeting for the granting and Renewal of Certificates, if they shall think fit, to cause a descriptive List of Persons to whom Certificates shall have been granted for the Year next ensuing, with the Premises to which such Certificates apply, within their respective Jurisdictions, to be made up and printed, in such Form as they shall direct, for the Use of themselves and others concerned in the Execution of the said recited Acts and this Act, the Expense whereof shall be paid out of the respective Funds in this Act specified into which Penalties and Expenses shall be paid.

Power to Justices, &c. to cause descriptive Lists to be printed of Persons to whom Certificates have been granted.

Certain Parties may object to the granting or Renewal of Certificates.

11. Any Person or the Agent of any Person owning or occupying Property in the Neighbourhood of the House or Premises, in respect of which any Certificate or Renewal of any Certificate shall be applied for, may object to the granting or Renewal of

of such Certificate by lodging at any Time, not less than Five Days before the General Meeting of the Justices of the Peace or Magistrates of the County, District, or Burgh, for the granting and Renewal of Certificates, where such House or Premises shall be situated, with the Clerk of the Peace or Town Clerk, as the Case may be, a Notice in Writing to that Effect, signed by such Person or his Agent, specifying the Grounds of such Objection, which Objection shall be heard at the then ensuing General Meeting; and if such Objection shall be considered of sufficient Importance by the Justices of the Peace or Magistrates in such General Meeting, and shall be proved to their Satisfaction, the said Certificate shall not be granted or renewed: Provided always, that no such Objection shall be entertained unless it shall be proved or admitted that the Person so objecting or his Agent did, at least Five Days before such General Meeting, deliver or cause to be delivered to the Person applying for such Certificate a Copy of the aforesaid Notice, or did forward to him by Post, with Postage prepaid, or did leave for him a Copy thereof, addressed to him at his Place of Abode mentioned in his Application, or in the Case of an Application for the Renewal of any Certificate at the licensed Premises for which the Application is made; and it shall be lawful for the Justices of the Peace or Magistrates respectively, in the event of their considering the Allegations and Objections against a Renewal of a Certificate contained in any such Notice frivolous or vexatious, or unauthorized, to find the Person or Agent, as the Case may be, making the same liable in such Expenses as they shall deem proper, and the Amount of the Expenses so found due shall be recoverable in the Sheriffs or Justices of the Peace Small Debt Court having Jurisdiction in the District; and a certified Copy of the aforesaid finding shall be sufficient Evidence and Authority for decerning for the Amount thereof with Expenses.

Justices or Magistrates at General Meetings, may hear Objections to granting Certificates.

12. It shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any General Meeting for the granting and Renewal of Certificates held within their respective Jurisdictions, to hear and determine as at present, and without the Notice required by Section Eleven, any Objections to be made verbally or in Writing by any Justice of the Peace or Magistrate, or by the Procurator Fiscal, Chief Constable, or Superintendent of Police, against the granting or renewing of any Certificate.

Power to Constables, &c. to enter Eating

13. It shall be lawful for any Chief Constable, Superintendent, Lieutenant, or Inspector of Police at any Time to enter and inspect any Eating

Houses, &c. if they believe Exciseable Liquors are trafficked in.

Eating House, Toll House, Temperance Hotel, Shop, or other Place, or any Boat or Vessel, where Food or Drink of any Kind is sold to be consumed on the Premises, or in which he shall have Reason to believe that Exciseable Liquors of any Kind are being unlawfully trafficked in; and it shall also be lawful for any Constable of Police having an Authority in Writing from any Justice of the Peace or Magistrate, or from any Chief Constable, Superintendent, Lieutenant, or Inspector of Police, in any County, District, or Burgh, and which they are severally hereby authorized to grant, to enter and inspect any such Eating Houses, Toll Houses, Temperance Hotels, Shops, or Places, or any such Boats or Vessels, within such County, District, or Burgh respectively, at any Time or Times within Eight Days from the Date of such Writing, as may be specially mentioned in such Writing; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into any such Eating House, Temperance Hotel, Shop, or other Place, Boat or Vessel, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and may be apprehended on a Warrant to that Effect granted by the Sheriff or by any One Justice of the Peace or Magistrate, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment shall be imprisoned for a Period not exceeding Sixty Days: And it shall be lawful for any Officer of Police or Constable of any County, District, or Burgh, without any written Authority, at any Time to enter and inspect any licensed Inn and Hotel or Public House therein situated, and also, where he shall have Reason to believe that a Breach of Certificate is being committed, at any Time without written Authority to enter and inspect the Premises of any Grocer or Provision Dealer trading in Exciseable Liquors; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into such licensed Inn and Hotel, Public House, or Premises, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment of such Penalty shall be imprisoned for a Period not exceeding Sixty Days.

Penalty for obstructing Officers of Police, &c.

Police to report Persons licensed, from whose Premises Persons in a State of Intoxication have been seen frequently to

14. The Chief Officer of Police of every County, District, Place, and Burgh in *Scotland* shall, on the First lawful Day of every Week, transmit or cause to be transmitted to the Procurator Fiscal appointed by the Justices of the Peace of such County or District, or Procurator Fiscal appointed by the Magistrates of such Burgh, respectively, a written Report containing the Names of all Persons licensed to sell Exciseable Liquors by Retail, from whose Premises Persons in a State of Intoxication have been frequently seen to issue, and

and of the Manner in which any special Permission granted in virtue of this Act has been exercised, and such Reports shall be brought by such Procurator Fiscal under the Consideration of the Justices of the Peace and Magistrates of every such County and Burgh respectively when assembled to grant and renew Certificates: Provided always, that within Two Days after such Report shall have been lodged with such Procurator Fiscal Notice in Writing, by Post, with Postage prepaid, shall be sent by him, addressed to each licensed Person at his licensed Premises, of his having been so reported on; and such Chief Officer of Police shall also, without undue Delay, report to the Procurator Fiscal or other Party by this Act directed to prosecute Offenders all Offences committed against the recited Acts and this Act, or any of them, coming to his Knowledge, and shall at all Times use the Means within his Control for the Detection, and, when necessary, the Apprehension of all Offenders.

issue, or against whom there is other Cause of Complaint.

15. If any Person licensed to sell, by Retail, any Exciseable Liquors, not to be consumed on the Premises, shall take or carry, or authorize or permit or suffer to be taken or carried, any such Exciseable Liquors out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold or hawked on his Account, or for his Benefit or Profit, or for the Purpose of being drunk or consumed for his Benefit or Profit in any other House, or in any Tent, Shed, or other Premises, of any Kind whatever, belonging to such Person, or hired, used, or occupied by him, or in which he may be interested, such Exciseable Liquors shall be deemed and taken to have been drunk or consumed upon the Premises of the Person so licensed, and such Person shall be deemed guilty of a Breach of his Certificate, and shall be liable in the Penalties and Expenses and Forfeitures for such Offence, as by the recited Acts and this Act provided.

Permitting drinking Exciseable Liquors in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the Act to be deemed drinking on the Premises.

16. Every Person hawking Spirits or other Exciseable Liquors shall thereby be guilty of an Offence, and may be taken into Custody by any Constable or Officer of Police, or, in the Absence of any Constable or Officer of Police, by any Person whomsoever, and may be detained in any Police Office or Station House, or other convenient Place, and not later than in the Course of the First lawful Day after he shall have been so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Sixty Days.

Persons hawking Exciseable Liquors may be apprehended, and on Conviction to be fined or imprisoned.

17. Every

Penalty on Persons trafficking in Exciseable Liquors without a Certificate.

17. Every Person trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf in Terms of this Act shall be guilty of an Offence, and on being convicted thereof shall for each such Offence forfeit and pay the full Penalties provided in the Thirtieth Section of the said first-recited Act, together with the Expenses of Prosecution and Conviction; and in default of immediate Payment thereof shall be imprisoned for the entire Periods respectively, prescribed by the said Thirtieth Section of the said first-recited Act: Provided always, that the Penalty and Term of Imprisonment thereby provided for a Third Offence shall likewise be imposed in the Case of every subsequent Offence.

Sheriff, Magistrate, or Justice may grant Warrant to summon, and Warrant to apprehend.

18. In the Case of any Person complained of for any Offence against the recited Acts or this Act, excepting for Breach of Certificate, it shall be lawful for any Sheriff, or any one Justice or Magistrate to or before whom such Complaint shall have been presented, unless by this Act otherwise provided, to grant Warrant for summoning the Person complained of, upon an Induciæ of not less than Forty-eight Hours, to appear to answer to such Complaint at a Time and Place to be therein specified; and in the Case of any Person complained of for trafficking in Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf, it shall be lawful for any Sheriff or any One Justice or Magistrate, if he shall see fit, instead of granting Warrant to summon such Offender, to grant Warrant to apprehend such Offender to answer to the Complaint, and to be further dealt with as is provided by said recited Acts and this Act.

Proof of trafficking in any Shebeen.

19. In order to warrant the Conviction of any Person for trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without a Certificate in that Behalf, it shall be sufficient, in the Absence of contrary Evidence, to prove that some Person other than the Owner or Occupant of such Place or Premises shall at the Time charged have been found in such Place or Premises drunk or drinking, or having had Drink supplied to him therein, and that such Place or Premises is or are by Repute kept as a Shebeen, or at the Time charged contained Drinking Utensils and Fittings usually found in Houses licensed for the Sale of Exciseable Liquors; and every Person found in any Shebeen drunk or drinking shall thereby be guilty of an Offence, and may at the Time be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall be so taken into Custody shall be brought before a Justice of the Peace or

Persons found in Shebeens drunk or drinking may be taken into Custody.

or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Shillings, and in default of immediate Payment thereof shall be imprisoned for a Period not exceeding Ten Days.

Warrant may be granted to seize Exciseable Liquors found in unlicensed Premises.

20. It shall be lawful for any Justice of the Peace of any County or District, or Magistrate of any Burgh, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for believing that Exciseable Liquors are trafficked in within any House or other Premises within such County or Burgh, as the Case may be, not licensed for the Sale thereof, or by any Person not having a Licence to sell Exciseable Liquors in or at such House or Premises, or that such Liquors are illegally kept for Sale or for the Purpose of being trafficked in at such House or Premises, to grant Warrant under his Hand authorizing any Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police, with any Police Officers or Constables to enter such House or Place at all Times and to search for Exciseable Liquors, and if the same be found in such House or Place exceeding One Gallon to seize such Exciseable Liquors, together with the Vessel or Vessels in which the same are contained; and such Warrant shall continue in force for One Month from the Date thereof, and shall be a sufficient Authority to the Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police therein named, and their Assistants respectively, to enter into such House or Place and seize all such Liquors as aforesaid and the Vessels containing the same, and to carry away and retain the same until disposed of as hereinafter provided: And the Person occupying or using the Premises where such Liquors shall be found as aforesaid shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay for the First Offence a Penalty not exceeding Five Pounds nor less than Two Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Thirty Days nor less than Ten Days, and for the Second and every subsequent Offence a Penalty not exceeding Ten Pounds nor less than Five Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Sixty Days nor less than Thirty Days: And all such Exciseable Liquors and the Vessels containing the same so seized as aforesaid shall be forfeited and sold, without further Warrant, and the Proceeds of such Sale shall be paid into the Rogue Money Funds of the County or Police Funds of the Burgh, and where

Penalties.

where there are no Police Funds into the Corporation Funds of the Burgh, as the Case may be, in which the Premises in which such Liquors shall have been found are situate.

Penalty on disorderly Persons refusing to quit licensed Houses on Request.

21. Every Person who shall be riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Spirits, Wine, Porter, Ale, Beer, or other Exciseable Liquors by Retail, whether to be consumed on the Premises or not, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Occupier or Manager thereof, or his Agent or Servant, or by any Constable, and every Person who shall refuse to quit such Shop, Premises, or Place at the Time of closing prescribed by this Act, on being required to do so as aforesaid, shall thereby be guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Sheriff or any One Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Forty Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty Days; and all Constables are hereby authorized and empowered to assist in expelling such riotous, quarrelsome, or disorderly Person refusing to quit the Premises at the Hour of closing from such Shops, Houses, Premises, and Places.

Persons falsely representing themselves to be Travellers, liable to a Penalty.

22. Every Person who by any wilfully false Representation shall induce any Inn and Hotel Keeper, or the Servant of any Inn and Hotel Keeper, to sell or give out to him Exciseable Liquors on any Sunday, or to sell or give out to him Exciseable Liquors on any other Day during Hours when the Sale of Exciseable Liquors, excepting to Lodgers or Travellers, is prohibited by the Certificate of such Inn and Hotel Keeper, shall thereby be guilty of an Offence, and on being convicted thereof by any Sheriff or any One Justice of the Peace or Magistrate shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Penalty to Persons found intoxicated and incapable of

23. Every Person found in a State of Intoxication, and incapable of taking care of himself, and not under the Care or Protection of some suitable Person, in any Street, Thoroughfare, or Public Place, shall

shall be thereby guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before such a Sheriff, Justice of the Peace, or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty of Five Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty-four Hours.

taking care of themselves.

24. Every Person licensed to sell Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises or not, who knowingly harbours or entertains, or suffers to remain in the licensed Premises wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbances or restoring Order, or otherwise in the Discharge of his Duty, shall be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Penalty for harbouring Constables while on Duty.

25. Every Person who, after the passing of this Act, shall commit any Breach of Certificate, or who shall in any other Manner offend against either of the recited Acts or this Act, shall be prosecuted, and all Penalties, together with the Expenses of Prosecution and Conviction to be ascertained on Conviction, shall be recovered, unless by this Act otherwise specially directed or authorized, before the Sheriff or any Two or more Justices of the Peace of the County or any Magistrate of the Burgh having Jurisdiction in the County or Burgh, as the Case may be, in which such Offender shall reside or such Offence shall have been committed, at the Instance of the Procurator Fiscal, or of such other Party as shall be specially appointed to prosecute such Class of Offences by the Justices of the Peace of the County in General Quarter Sessions assembled, or the Magistrates of the Burgh, as the Case may be, and which Appointment they are hereby specially authorized to make, and such Justices of the Peace in General Quarter Sessions, or Magistrates, as the Case may be, shall from Time to Time fix a reasonable Sum in Name of Salary, or a reasonable Rate of Remuneration by Fees for Prosecutions, and all other Business under this Act, to be paid annually to such Procurator Fiscal or other Party appointed to prosecute as aforesaid; and which Salary, or the Amount of the Account of such Fees, as the same shall be

Procurator Fiscal or other Party appointed shall prosecute.

be taxed by the Clerk of the Peace of the County or District, or the Town Clerk of the Burgh, as the Case may be, together with all necessary and proper Outlays attending such Prosecutions, and also the Execution of the recited Acts and this Act, shall form a proper Charge against, and shall be paid annually out of the Rogue Money, or other Fund of the County out of which the Expenses of Criminal Prosecutions are in use to be paid, and in Burghs out of the Police Funds, or, where there are no Police Funds, out of the Corporation Funds of the Burgh, as the Case may be; and all Penalties and Expenses of Prosecutions and Convictions incurred under and imposed by the recited Acts and this Act shall, when recovered, if adjudged by any Sheriff, or Justice or Justices of the Peace, or Magistrate of any Burgh or Place other than a Royal or Parliamentary Burgh, be wholly paid into the Rogue Money Fund of the County, and, if adjudged by any Magistrate or Police Judge of any Royal or Parliamentary Burgh, be wholly paid into the Police Funds, or, where there shall be no Police Funds, into the Corporation Funds of the Burgh in which such Penalties shall be imposed respectively.

Application of Penalties and Expenses.

Offences how to be tried.

26. Every Offence committed against the recited Acts and this Act, or any of them, may, except where inconsistent with the Provisions and Conditions of this Act, be tried and determined in a summary Manner, without any written Pleadings, or Record, or Notes of Evidence, and before the Courts, and subject to the Provisions and Conditions provided in the said recited Acts or either of them; but in any Prosecution under the recited Acts and this Act, or any of them, the Complaint and Procedure following thereupon shall be in the Form or as nearly as may be in the Form, provided by Schedule (D.) to this Act annexed; and it shall be lawful for the Sheriff, Justice or Justices, Magistrate or Magistrates, before whom such Prosecution is brought, to proceed in absence of the Accused, upon Proof by the Oath of an Officer or Constable that the Accused has been duly summoned, or to issue his or their Warrant for apprehending and bringing the Accused before him or them, as the Case may be.

Power to Justices or Magistrates to summon Witnesses.

27. It shall be lawful for any Justice of the Peace or Magistrate, in any Application for the granting or renewing of a Certificate under the Provisions of the recited Acts or this Act, or in dealing with any Objection to such Applications, or in any other Matter arising under the Provisions of the said recited Acts and this Act, or any of them, to grant Warrant to summon Witnesses and Havers on behalf of any Party interested; and it shall be lawful for the Justice or Justices of the Peace, Magistrate or Magistrates, before whom respectively any such Application, Objection, or Matter shall be depending, to examine all such Witnesses and Havers on Oath or solemn Affirmation, and to do and perform

perform all Things necessary for the due and proper Hearing and Determination of the Cause or Matter: And any Person summoned as a Witness or as a Haver to appear before any Sheriff, Justice or Justices of the Peace, or Magistrate, touching any Matter arising out of the recited Acts or this Act, either on the Part of the Complainer or of the Person complained against, or of any Person interested in such Matter, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Sheriff, Justice or Justices, or Magistrate, may, when it shall be proved on Oath that he has been duly summoned at least Twenty-four Hours before the Meeting of the Diet of the Court, be apprehended and committed to Prison under the Warrant of the said Sheriff, Justice or Justices, or Magistrate, till he finds Security to appear and give Evidence; and any Person who shall so neglect or refuse to appear, or who appearing shall refuse to be examined on Oath or solemn Affirmation, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay any Sum not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days; and if any Person who, under Examination on Oath or solemn Affirmation before any Sheriff, Justice or Justices, or Magistrate, in any Matter arising under the Provisions of the said recited Acts or this Act, shall prevaricate or wilfully conceal the Truth, it shall be lawful to such Sheriff, Justice or Justices, or Magistrate, in open Court, without any formal Complaint and in a summary Manner, to adjudge the Person so offending to be imprisoned for any Period not exceeding Sixty Days, or to forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment to be imprisoned for a Period not exceeding Thirty Days, and the Sentence awarding such Punishment shall set forth shortly the Nature of the Offence.

Punishment of Witnesses refusing to attend or prevaricating.

28. It shall be lawful for the Justice or Justices of the Peace, Sheriff, or Magistrate before whom any Person may be brought for Trial for any Offence against the recited Acts and this Act, or any of them, to adjourn the hearing of the Complaint from Time to Time as may be deemed necessary, and also, if considered fit, to order the Detention of such Person in Prison, or in any Police Office or Station House, till the next Diet of Court, unless Bail is found, or a Pledge given to an Amount not exceeding the maximum Penalty concluded for.

Power to adjourn Trials and detain Offenders.

29. Nothing contained in the recited Acts or this Act shall prevent anything done which may be an Offence under this Act, but which might have been prosecuted and punished as an Offence at Common

Offences may be prosecuted at Common Law.

Common Law, or under any other Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Offences may be tried in Police Courts.

30. For the Purpose of trying Offences against the recited Acts and this Act, or any of them, except in Cases of Breach of Certificate and of imposing Penalties and declaring Forfeitures under the same, the Expressions "Magistrate of any Burgh," "Magistrate," and "Magistrates," shall include any Judge officiating in any Court for the Trial of Police Offences under the Provisions of any Local or General Police Act; and all such Offences committed within the Jurisdiction of any such Judge may be tried by and before him in any such Court, at the Instance of the Procurator Fiscal or other Party acting as Prosecutor under the Twenty-fifth Section of this Act: And every Person offending against the Sixteenth, Nineteenth, Twenty-first, and Twenty-third Sections of this Act may, if such Procurator Fiscal or Prosecutor shall choose so to do, be prosecuted before the Court, and in the Manner provided for the Trial of Police Offences by any General or Local Police Act in force in the County, District, or Burgh or Place where the Offender shall reside or the Offence shall have been committed, instead of as herein otherwise provided.

Offences specified in Sections 16, 19, 21, & 23. of this Act may be tried in Police Courts.

Warrants, &c. may be enforced in other Counties, &c.

31. All Warrants, Orders, Interlocutors, Judgments, Sentences, and Decreets of Sheriffs, Justices, and Magistrates, issued or pronounced under the Authority of the recited Acts or of this Act, may be executed and enforced in any County, District, Burgh, or Jurisdiction other than that in which they were so issued or pronounced, provided the Concurrence of the Sheriff or any One Justice of the Peace or Magistrate of such other County, District, Burgh, or Jurisdiction respectively be endorsed thereon, by any Constable or Officer of Court of the original or of any other County, District, Burgh, or Jurisdiction, and which Concurrence all Sheriffs, Justices of the Peace, and Magistrates are hereby authorized to grant.

Fees to Clerks not to be more than authorized by Schedule (E.) to this Act.

32. It shall not be lawful for the Clerk of the Peace, or Sheriff Clerk of any County or District, or the Town Clerk of any Burgh, to demand or receive any greater or additional Fee or Remuneration for anything done under the recited Acts or this Act than is authorized by the Schedule (E.) to this Act annexed, and the Town Clerks of those Parliamentary Burghs the Magistrates of which are not at present authorized to grant Certificates shall pay to the present Clerks of the Peace in the Counties within which such Burghs are situated One Half of the Fees received by such Town Clerks in respect of Applications for Certificates and Disposal of the same under this Act and the Acts herein recited, during the Time such Clerks of the Peace shall continue to hold Office.

33. It

33. It shall be competent to any Person conceiving himself aggrieved by any Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Sheriff, Justice or Justices of the Peace, or Magistrate, in any Cause, Prosecution, or Complaint raised under the Authority of the recited Acts or of this Act, for Breach of Certificate, or for trafficking in Spirits or other Exciseable Liquors without a Certificate, to bring the Case by Appeal before the next Circuit Court of Justiciary, or where there are no Circuit Courts before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions which shall from Time to Time be prescribed by the said High Court of Justiciary: Provided always, that such Appeal shall be competent only when founded on the Ground of Corruption or Malice and Oppression on the Part of the Sheriff, Justice or Justices of the Peace, or Magistrate, as the Case may be, or on such Deviations in point of Form from the statutory Enactments as the Court shall think have prevented substantial Justice from having been done: Provided also, that such Appeals shall be heard and determined in open Court, and that it shall be competent to the Court to correct such Deviation in point of Form: Provided further, that Notice in Writing of such Appeal shall be given to the opposite Party, and to the Clerk of the Court pronouncing such Warrant, Sentence, Order, Decree, Judgment, or Decision, within Eight Days of the Date thereof, and that no Appeal shall be received or entertained unless the Party appealing shall, along with his Appeal, deposit with the Clerk of the Circuit Court or of the High Court of Justiciary, as the Case may be, a Certificate under the Hand of the Sheriff Clerk, Town Clerk, or Clerk of the Peace, or Clerk to the Magistrates, as the Case may be, that he has made Consignation in the Hands of such Clerk of the whole Sum and Expenses, if any, decerned for by the Warrant, Sentence, Order, Decree, Judgment, or Decision appealed from, and unless he shall have found sufficient Security for the whole Expenses which may be incurred and found due under the Appeal: Provided always, that nothing herein contained shall be held to exclude or interfere with the Right of Appeal to Quarter Sessions which at present exists, provided the Appellant shall forthwith deposit with the Clerk of the Peace the Amount of Penalty and Costs awarded against him.

Power to Persons to appeal from Decisions of Sheriffs, &c. to Circuit Courts, &c.

34. No Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Quarter Sessions, Sheriff, Justice or Justices of the Peace, or Magistrate in any Cause, Prosecution, or Complaint, or in any other Matter under the Authority of the said recited Acts or of this Act, shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Execution, in

Sentences and Judgments not subject to Review except as provided by this Act.

any Ground or for any Reason whatever, other than by this Act provided.

Limitation of Actions.

35. Every Action or Prosecution against any Sheriff, Justice or Justices of the Peace, Magistrate, or Judge acting under any General or Local Police Act, or against any Sheriff Clerk, Clerk of the Peace, or Town Clerk, or any Procurator Fiscal, Superintendent, or other Officer of Police, or Constable, or other Person, on account of anything done in execution of the recited Acts and this Act, or any of them, shall be commenced within Two Months after the Cause of Action or Prosecution shall have arisen, and not afterwards.

Nothing to repeal or affect recited Act, except to give Effect to this Act.

36. Nothing herein contained shall be held to repeal or affect the Provisions of the recited Acts or either of them, except in so far only as shall be necessary to give Effect to the Provisions of this Act; and the Provisions and Enactments contained in the recited Acts, so far as not repealed, shall extend, and be construed, deemed, and taken to extend, to and form Part of this Act, in the same Manner and as fully and to all Intents and Purposes as if the said Provisions and Enactments were herein repeated and set forth at Length.

Interpretation of Terms.

37. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Inn and Hotel" shall in Towns and the Suburbs thereof refer to a House containing at least Four Apartments set apart exclusively for the Sleeping Accommodation of Travellers; and in Rural Districts and populous Places not exceeding One thousand Inhabitants, according to the Census last before taken, to a House containing at least Two such Apartments:

The Word "Shebeen" shall mean and include every House, Shop, Room, Premises, or Place in which Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors are trafficked in by Retail without a Certificate and Excise Licence in that Behalf:

The Expression "trafficking" shall mean and include bartering, selling, dealing in, trading in, exposing or offering for Sale by Retail:

The Word "hawking" shall mean and include trafficking in or about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water:

The Word "Certificate" shall mean any Certificate in Terms of this Act:

The Word "Sheriff" shall mean and include Sheriff Substitute:

The

The Word "Burgh" shall mean and include any Royal or Parliamentary Burgh, and the Boundaries of such Parliamentary Burghs shall for the Purposes of this and the recited Acts be the same as those within which the Magistrates of such Burghs have Jurisdiction in Matters of Police:

The Word "Constable" shall mean and include Officers of Court, Chief Constable, Superintendent of Police, and every Grade of Constable or Police Officer, or any Person belonging to any Constabulary Force in any Part of *Scotland*, as also any Sheriff Officer or Justice of Peace Constable.

38. This Act shall commence and take effect from and after the First Day of *September* next after the passing thereof. Commencement of Act.

39. This Act may be cited for all Purposes as "The Public Houses Acts Amendment (*Scotland*) Act, 1862." Short Title.

SCHE-

SCHEDULE (A.)

No. 1.

FORM OF CERTIFICATE FOR INNS AND HOTELS.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be,*] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at , to keep an Inn and Hotel at in the Parish of and County aforesaid [*or* Burgh aforesaid] for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not supply Exciseable Liquors to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking on any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day, with the Exception of Refreshment to Travellers or to Persons requiring to lodge in the said House or Premises; and do not

not open his House for the Sale of any Exciseable Liquors, or permit or suffer any Drinking therein or on the Premises belonging thereto, or sell or give out the same, on Sunday, except for the Accommodation of Lodgers and Travellers; and do maintain good Order and Rule within his House and Premises; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and until the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 2.

FORM OF CERTIFICATE FOR PUBLIC HOUSES.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower [*A.L.*], now dwelling at -, to keep a Public House at in the Parish of and County [*or* Burgh] aforesaid for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, and other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided that the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which are not

of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not sell or supply Exciseable Liquor to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking in any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his House for the Sale of any Liquors, or permit or suffer any Drinking therein, or on the Premises thereto belonging, or sell or give out the same, or any other Goods or Commodities, on Sunday; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere; and do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 3.

FORM OF CERTIFICATE FOR DEALERS IN EXCISEABLE LIQUORS, AND GROCERS AND PROVISION DEALERS TRADING IN EXCISEABLE LIQUORS.

At a General Meeting for granting or renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at , to keep Premises at in the Parish and County

County aforesaid [*or* Burgh aforesaid] for the Sale therein, but not elsewhere, of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said Premises; and do not sell or supply Exciseable Liquors to Persons who are in a State of Intoxication, or to Girls or Boys apparently under Fourteen Years of Age, and do not traffick in or give any Spirits, Wine, or other Exciseable Liquors, [*or* Wine, Porter, Ale, Beer, Cyder, and Perry,] [*or* Porter, Ale, Beer, Cyder, and Perry,] to be drunk or consumed on the said Premises, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not traffick in or give out therefrom any Liquors before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his Premises for Business, or for the Sale of any Liquors or any Goods or Commodities whatsoever, or sell or give out the same, on Sunday; and, lastly, do maintain good Order and Rule within his Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, for One Year from the Day of One thousand eight hundred

and

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

SCHEDULE (B.)

No. 1.

Unto the Honourable Her Majesty's Justices of the Peace for [*or* the Magistrates of the Burgh of]

The Application of [*state full Name, Designation, and present Place of Abode of Applicant*].

Humbly sheweth,

That the Applicant is desirous to obtain a Certificate for Licence for [an Inn and Hotel, *or* Public House, *or* a Dealer in Groceries and Provisions, *as the Case may be*,] at [*Place or Street, and Number*]

Number] in the Parish [*or* Burgh] of , and County of , for the ensuing Year [*or* Half Year, *as the Case may be*], in Terms of the "Public Houses Acts Amendment (Scotland) Act, 1862," and Acts therein recited, and refers to the Answers which are truly made to the subjoined Queries:

State whether it is a Renewal of a Certificate at present in Applicant's Name, or in that of another Party, or Renewal of a transferred Certificate, or a Certificate for a new House, that Applicant desires - - - -

Whether Applicant has attained Twenty-one Years of Age -

Whether bred to the Trade; or if not, to what other Trade or Business - - - -

Whether Applicant carries on or intends to carry on or follow any other Trade or Occupation -

Whether Applicant holds a Licence at present; and if so, state where the Premises are situated, and how long he has held the same -

Whether Applicant has any Interest in any other Business in Premises at present licensed, or for which a Certificate is sought; and if so, where those Premises are severally situated - - - -

State the actual Rent of Premises, and the Proprietor's or Factor's Name and Designation - -

Signature of Applicant

Date

No. 2.

REPORT BY JUSTICE OR MAGISTRATE.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], hereby report that I personally examined the Premises described in the foregoing Application, and that the same are of suitable Construction and Accommodation for the Purpose applied for, reserving to the Justices [*or* Magistrates, *as the Case may be*,]

be,] to determine whether it be meet and convenient to grant the Certificate applied for.

J. P. *or* Magistrate.

CERTIFICATE OF CHARACTER AND QUALIFICATION.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], certify, after careful Inquiry, that designed in the foregoing Application, is [*here state Result of Inquiry touching Applicant's Character and Qualification*].

J. P. *or* Magistrate.

SCHEDULE (C.)

LIST of APPLICATIONS for CERTIFICATES for the Sale of Exciseable Liquors for the County [*or* of the County] of *or* Burgh of , for new Premises, by new Tenants or Occupants, and for Renewal of transferred Certificates.

Name, Designation, and Residence of Applicant.	Number of Street of Burgh (or Place and Parish of County). of Premises.	Class of Certificate applied for.	Name and Address of Landlord or Factor of Premises.
	For new Premises.		
	By new Tenants or Occupants.		
	For Renewal of transferred Certificate.		

SCHEDULE (D.)

No. 1.

COMPLAINT.

Unto the Honourable Her Majesty's Justices of the Peace for the County of , [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be*].

Humbly complains *A.B.*

Procurator Fiscal of Court, [*or other Party appointed to prosecute, as the Case may be,*] for the Public Interest:

That *C.D.* [*Designation*] [*in the Case of a Breach of Certificate state here* " who holds a Certificate for the Sale of Exciseable

Liquors at [*name the Place*] "] has been guilty of an Offence against the Laws for the Regulation of Public Houses in Scotland, in so far as [*here state the Particulars of the Offence, specifying the Place and Time thereof, and in the Case of a Breach of Certificate, or trafficking without a Certificate, add,* such Offence is the "First," "Second," "Third," *or* "an Offence subsequent to the Third" Offence, *as the Case may be*].

May it therefore please your Honour [*or* Lordship, *as the Case may be,*] to grant Warrant to summon the said to appear before you [*or* to apprehend the said and bring him before you] to answer to this Complaint, and to be dealt with in Terms of the Public Houses Acts Amendment (Scotland) Act, 1862, and the Acts therein recited, [*if the Certificate be declared to be forfeited, add,* "and further adjudge his Certificate to be forfeited, and null and void."]

A.B.

No. 2.

WARRANT TO SUMMON.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to serve a Copy of this Complaint and of this Deliverance upon the therein named and designed *C.D.*, and to cite him to appear personally to answer thereto at [*here state the Place*] upon the Day of at of the Clock noon, with Certification, and also to cite Witnesses and Havers for both Parties for the same Time and Place.

G.H.,
J. P. *or* Sheriff *or* Magistrate.

No. 3.

WARRANT TO APPREHEND.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *C.D.*, named and designed in the foregoing Complaint, and, if necessary for that Purpose, to open any Shut or Lock-fast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to answer thereto at the [*name the Place or Court House*], and also to cite Witnesses and Havers for both Parties for all Diets in the Case.

G.H.,
J. P. *or* Sheriff *or* Magistrate.

No. 4.

No. 4.

CITATION.

To *C.D.* [*Designation.*]

Take notice, That you will have to appear personally at the Place and Time specified in the foregoing Warrant to answer to the Complaint to which this Notice is attached, with Certification.

This I do this Day of

J.K.,
Officer of Court.

No. 5.

MINUTE OF COURT PROCEDURE.

(When Accused appears.)

At the Day of 18 , in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], appeared *C.D.* complained against; and the Complaint being read over to him he answers that he is Guilty [*or* Not Guilty].

[*If Accused pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

And the Witness [*or* Witnesses] after named was examined upon Oath in Exculpation; viz.,

(When Accused is absent.)

At the Day of 18 , in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], *C.D.* complained against having failed to appear, and after Proof by the Oath of Officer of Court that such Officer had duly summoned the said *C.D.*:

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

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No. 6.

CONVICTION.

The Justices [*or* Justice *or* Sheriff *or* Magistrate] in respect of the judicial Confession of the said *C.D.* [*or* of the Evidence adduced] convict

convict the said *C.D.* of the Offence charged [being a Offence], and adjudge him to forfeit and pay to the Complainer the Sum of of Penalty, [*if Expenses shall be awarded*] with the Sum of of Expenses]; and in default of [immediate] Payment thereof [*or if Time is allowed, state* within Days from this Date,] adjudge him to be committed to the Prison of for the Period of from the Date of his Incarceration, unless said Sum [*or* Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him, and convey him to said Prison, and to the Keeper thereof to receive and detain him accordingly.

If against a Party holding a Certificate (*if the Certificate be declared to be forfeited*) *add*, "and further adjudge his Certificate to be void and null from this Date."

A.B., J. P.,
or
G.H., J.P.,
M.N., J.P.,
or Sheriff *or* Magistrate.

SCHEDULE (E.)

The following Fees, and no others, to be payable to Clerks of the Peace, Sheriff Clerks, and Town Clerks, acting under this Act or the Acts therein recited.

	£	s.	d.
Each printed Copy of Form of Application for Certificate -	0	0	6
Lodging Application - - - - - -	0	2	6
Lodging Objection (under Section 11) - - -	0	2	6
Inspection of Register, or Applications, for each Hour or Part of an Hour - - - - -	0	1	0
Warrant on Complaint - - - -	0	2	0
Each Witness examined in Trials - - -	0	1	0
Conviction - - - - -	0	2	6
Deciding Objections (under Section 11) - -	0	1	0
Lodging Appeal and finding Caution - - -	0	3	0
Deciding Appeal - - - -	0	2	6
Extracts or certified Copies of any Proceedings, Warrants, or Conviction, per Sheet, written or printed, of 150 Words - - - - - -	0	1	0

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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said: And whereas it is alleged that Portion of the Lands and Premises which lies between High and Low Water Mark is subject to the Rights of Passage and Anchorage of Vessels in the Water or Sea flowing over the same, and at Low Water to certain other Rights of Grounding thereon: And whereas such alleged Rights, if suffered to continue, would very much interfere with and impede the useful Purposes intended to be effected by the Acquisition of the said Lands and Premises and by the Establishment of the School of Gunnery aforesaid, and would be highly detrimental to the Public Service; and for the Reasons aforesaid it is expedient that the same should be forthwith partially extinguished and the said Premises be kept free from all the Anchorage or Grounding of Vessels, Barges, and other Craft: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Spaces for the Practice of Artillery to be kept free and open, and to be marked by Buoys, &c.

1. So long as the Lands and Premises mentioned in the Schedule to this Act shall remain vested in or be possessed by Her Majesty's Principal Secretary of State for the War Department in trust as aforesaid, he shall from Time to Time, as Occasion may require, cause to be marked out and distinguished by Buoys, or other sufficient Marks to be erected or fixed upon the said Lands and Premises, such Spaces or Distances thereon as he may judge necessary to be kept free from all Anchorage or Grounding of Vessels of any Kind, and to order and direct that the several Spaces or Distances so marked out and distinguished shall be and remain as Ranges for Artillery Practice, freed from all Rights of Anchorage or Grounding thereon.

Rights of Anchorage and Grounding to cease, and Notice to be given to the Admiralty, and advertised in Newspapers, and on Church Doors.

2. Whenever the said Principal Secretary shall have marked out and appropriated any Spaces or Distances for Ranges as aforesaid, all Rights (if any) of Anchorage and Grounding over or upon the same shall absolutely cease and determine, and a Notification thereof shall be made to the Lords of the Admiralty, and be published in the *London Gazette*, and by Advertisement in some Morning Newspaper and in some local Newspaper circulated in the said County of *Essex*, and by affixing the same on the Church Doors of the said several Parishes aforesaid.

No Vessel or Person to pass over Ranges marked out pursuant to this Act.

3. If any Vessel, Barge, or other Craft, unless forced to remain thereon by Stress of Weather or other unavoidable Accident, shall anchor or ground upon any Range marked out in pursuance of this Act, then the Owner or Master of such Vessel, Barge, or other Craft, as the Case may be, shall on Conviction thereof before any Justice or Justices of the Peace forfeit and pay such a Sum, not less

less than Forty Shillings and not exceeding Five Pounds for every Offence, as may be awarded against him, and such Penalty, and also the reasonable Costs attending the Prosecution, shall be duly ascertained and awarded, and shall be enforced and recovered as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Summary Convictions and Orders.*

Penalty for for Offences to be recovered as in 11 & 12 Vict. c. 43.

4. Nothing in this Act contained shall be construed to prevent the Entry of the Lords or Ladies of the Manors of *South Shoebury* and *Wakering*, their respective Servants or Agents, upon the Beach or Shore for the Purpose of exercising their Manorial or other Rights thereon, and of recovering or removing therefrom all Wrecks of the Sea, Jetsam, Flotsam, and Lagan Goods, Merchandise, or Effects whatsoever, or from exercising any other Rights reserved to the Lords or Ladies or either of them in and by any Lease or Leases granted by or on behalf of them or either of them, or by any Conveyance or Assurance to the Secretary of State for the War Department: Provided always, that no Part of the Lands lying East and North of the Line marked A., B., and C. on the said Map or Plan shall ever be appropriated for any Range under the Provisions of this Act; and that nothing herein contained shall be deemed to repeal or alter any Enactments relating to Wreck, Jetsam, Flotsam, or Derelict contained in the Merchant Shipping Act, 1854, or in any Act amending the same.

Saving Rights of Lords and Ladies of the Manors of South Shoebury and Wakering.

5. This Act may be cited for all Purposes as "The Artillery Ranges Act, 1862."

Short Title.

THE

THE SCHEDULE.

All the Land and Foreshore situate between High and Low Water Mark in the Parishes of North and South Shoebury and Wakering, in the County of Essex, being the South-western Part of certain Lands called the Maplin Sands, and lying in front of and abutting in Part upon Lands belonging to Her Majesty's Principal Secretary of State for the War Department, in other Part upon Lands belonging to the Lord of the Manor of Shoebury, in other Part upon Lands belonging to G. A. W. Welsh, Esq., and in other Part upon Lands belonging to Sir John Tyssen Tyrell, Bart., which said Lands and Foreshore are shown and delineated on the Map or Plan made thereof and deposited with the Lords Commissioners of the Admiralty by the Colours Red, Black, Green, and Brown respectively; the Lands coloured Red having been purchased by and being now vested in the said Principal Secretary and his Successors in Fee; the Lands coloured Black being held by the said Principal Secretary under a Lease bearing Date the First Day of March One thousand eight hundred and sixty-two, for the Term of Forty Years from the Twenty-fifth Day of March One thousand eight hundred and fifty-two; the Lands coloured Green being held by the said Principal Secretary under a Lease bearing Date the Fifth Day of May One thousand eight hundred and sixty, for the Term of Thirty-one Years from the Fifth Day of April One thousand eight hundred and sixty; and the Lands coloured Brown being held by the said Principal Secretary under a Lease bearing Date the Thirteenth Day of September One thousand eight hundred and fifty-four, for the Term of Fifty Years from the Twenty-fifth Day of March One thousand eight hundred and fifty-one.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act to remove Doubts concerning, and to amend the Law relating to, the private Estates of Her Majesty, Her Heirs and Successors.

[17th *July* 1862.]

WHEREAS by the Fifth Section of the Act passed in the First Year of the Reign of Her Majesty Queen *Anne*, Chapter Seven, and intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, it was enacted, that every Grant, Lease, or other Assurance which from and after the Twenty-fifth Day of *March* One thousand seven hundred and two should be made or granted by Her said Majesty, Her Heirs or Successors, Kings or Queens of this Realm, under the Great Seal of *England*, Exchequer Seal, Seals of the Duchy and County Palatine of *Lancaster* or any of them, or by Copy of Court Roll, or otherwise howsoever, of any Manors, Messuages, Lands, Tenements, Rents, Tithes, Woods, or other Hereditaments, (Advowsons of Churches and Vicarages only excepted,) within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, or any of them, or any Part thereof, then belonging or thereafter to belong to Her Majesty, Her Heirs or Successors, or to any other Person or Persons in trust for Her Majesty, Her Heirs or Successors, in possession, reversion, remainder, use, or expectancy, whether the same were or should be in right of

1 Anne, c. 7. s. 5.

 the

the Crown of *England* or as Part of the Principality of *Wales* or of the Duchy or County Palatine of *Lancaster*, or otherwise howsoever, to any Person or Persons, Body Politic or Corporate whatsoever, whereby any Estate or Interest whatsoever in Law or in Equity should or might pass from Her Majesty, Her Heirs or Successors, should be utterly void and of none Effect, unless such Grant, Lease, or Assurance should be made for some Term or Estate not exceeding Thirty-one Years or Three Lives, or for some Term of Years determinable on One, Two, or Three Lives, and unless such Grant, Lease, or Assurance respectively should be made to commence from the Date of making thereof, and if such Grant, Lease, or Assurance should be made to take effect in reversion or expectancy, that then the same, together with the Estate or Estates in possession of and in the Premises therein contained, should not exceed Three Lives or the Term of Thirty-one Years in the whole; and it was by Section Seven of the same Act enacted, that all Gifts, Grants, Alienations, Leases, and Assurances whatsoever to be had or made of any the said Manors, Messuages, Lands, Tenements, Rents, Tithes, or other Hereditaments, or of any of the Revenues therein mentioned, or Branches, or any Part thereof, contrary to the Provisions of the now reciting Act, or any of them, should be null and void without any Inquisition, Scire facias, or other Proceeding to determine or make void the same: And whereas by the Act passed in the First Year of the Reign of His Majesty King *George* the Third, Chapter One, and intituled *An Act for the Support of His Majesty's Household, and the Honour and Dignity of the Crown of* Great Britain, it was enacted, that the Revenue arising to His Majesty by Rents of Lands or for Fines of Leases of the same, or any of them, (except the Revenue of the Duchy of *Cornwall*,) should, from and immediately after the Demise of His then late Majesty King *George* the Second, be during His Majesty's Life carried to and made Part of the General Aggregate Fund established by the Act of the First Year of the Reign of His late Majesty King *George* the First, and be during the said Term issued and applied, in the Manner therein-after mentioned, to the Uses to which the said Fund was or should be made applicable: And whereas by the Act passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Seventy-five, and intituled *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee-farm and other unimproveable Rents*, further Provisions were made touching Grants, Leases, and other Assurances which should be made or granted by His Majesty, His Heirs or Successors, under the Great Seal, or Seal of the Exchequer, or either of them, of any Manors, Messuages, Lands, Tenements, or Hereditaments, within the Kingdom of *England* and Dominion of *Wales*, or any of them, or any Part thereof then belonging or thereafter to belong to His Majesty, His Heirs or Successors, and being within the ordering and Survey of the Exchequer in *England*: And

1 Anne c. 7. s. 7.

1 G. 3. c. 1.

34 G. 3. c. 75.

Crown Private Estates.

And whereas by the Act passed in the Session of Parliament held in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, Chapter Eighty-eight, intituled *An Act concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors, and also of the Real and Personal Property of Her Majesty and of the Queen Consort for the Time being*, it was enacted, that none of the Provisions or Restrictions contained in the said Acts of the First Year of Her said Majesty Queen *Anne* and the First and Thirty-fourth Years of the Reign of His then Majesty, should extend to any Manors, Messuages, Lands, Tenements, or Hereditaments, of whatsoever Tenure the same might be, which had at any Time theretofore been purchased by His Majesty, or should at any Time thereafter be purchased by His Majesty, His Heirs or Successors, out of any Monies issued and applied for the Use of His or Their Privy Purse, or with any other Monies not appropriated to any Public Service, or to any Manors, Messuages, Lands, Tenements, or other Hereditaments, of whatsoever Tenure the same might be, which had come to His Majesty, or should or might come to Him or His Heirs or Successors, by the Gift or Devise of, or by Descent or otherwise from any of His, Her, or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm; and it was thereby declared, that the Intent of that Enactment was that the same should operate to all Intents and Purposes as from the Birth of His then Majesty; and by the same Act certain Powers of Disposition were given to His Majesty, His Heirs or Successors, over such Manors, Messuages, Lands, Tenements, and Hereditaments as are therein mentioned as aforesaid, and other Provisions were thereby enacted concerning the same: And whereas by the Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, Chapter Eighteen, intituled *An Act concerning the Disposition of certain Property of His Majesty, His Heirs and Successors*, it was enacted that all the Powers given to and vested in His Majesty, His Heirs and Successors, by the said Act of the Thirty-ninth and Fortieth *George* the Third, Chapter Eighty-eight, over the Manors, Messuages, Lands, Tenements, and Hereditaments purchased or to be purchased by Him or Them, or coming to Him or Them in manner in the same Act mentioned, and all other the Provisions of the same Act touching and concerning the same, should be and the same Powers and Provisions were by the now reciting Act extended to, and should be deemed, construed, and taken to extend and apply to all Manors, Messuages, Lands, Tenements, and Hereditaments, whether of Freehold or Copyhold or Customary or Leasehold Tenure, whereof His Majesty, or any Person or Persons in trust for Him, at the Time of His Accession to the Crown of this Realm, or whereof His Heirs or Successors, or any Person or Persons in trust for Them, at the Time of Their respective Accessions to the Crown of this Realm, was, were, or should

39 & 40 G. 3. c. 88.

4 G. 4. c. 18.

should be seised and possessed, and which before such Accession He or They respectively might have legally granted, sold, given, or delivered: And whereas by the Fourth Section of the Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Ninety-five, intituled *An Act to provide for the Payment of certain Pensions*, after reciting the Seventh Section of the said Act of the First Year of Her Majesty Queen *Anne*, Chapter Seven, and that it was expedient to extend the said Provision to *Ireland* and *Scotland*, it was enacted, that the said Provision should be deemed and taken to extend to all Parts of the United Kingdom: And whereas it is doubtful whether the Provisions and Restrictions contained in the said Act of the First Year of Her Majesty Queen *Anne* may not be held to have been by the said Act of the First and Second Years of Her present Majesty Queen *Victoria*, Chapter Ninety-five, extended to the private Estates of Her Majesty, Her Heirs or Successors: And whereas it is expedient that such Doubts should be removed, and that such Provisions should be made concerning the private Estates of Her Majesty, Her Heirs or Successors, as are herein-after contained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1 & 2 Vict. c. 95. s. 4.

Interpretation of Terms.

1. That in the Construction of this Act the Expression "private "Estates of Her Majesty, Her Heirs or Successors," shall mean (unless controlled or confined to a more limited Sense by express Words or the Context) any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions, which have at any Time heretofore been purchased or acquired by Her Majesty, or shall at any Time hereafter be purchased or acquired by Her Majesty, Her Heirs or Successors, out of any Monies issued and applied for the Use of Her or Their Privy Purse, or with any other Monies not appropriated to any Public Service, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions which have come to Her Majesty, or shall or may come to Her Majesty, or Her Heirs or Successors, by the Gift or Devise or Disposition of, or by Descent, Inheritance, or Succession, or otherwise, from any of Her or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, and whether situate or arising in *England*,

England, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions, which did or shall belong to Her Majesty, or Her Heirs or Successors, or to any Person or Persons in trust for Her or Them, at the Time of Her or their respective Accessions to the Crown of this Realm, and which before such Accession She or They respectively might have legally granted, sold, given, devised, disponed, or conveyed.

2. None of the Provisions or Restrictions contained in the said Acts of the First Year of Her Majesty Queen *Anne* and the First and Thirty-fourth Years of His Majesty King *George* the Third, or in any other Act or Acts of Parliament relating to any Manors, Messuages, Lands, Tenements, Leases, or Hereditaments, or other Real or Heritable Property or Estate vested in or belonging to Her Majesty, Her Heirs or Successors, in right of the Crown of this Realm, do or shall extend to the private Estates of Her Majesty, Her Heirs or Successors.

Restrictions of 1 Anne c. 7, and 1 G. 3. c. 1. and 34 G. 3. c. 75. not to extend to the private Estates of the Sovereign.

3. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, as are or shall be of Leasehold Tenure, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs and Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

Leasehold Estates (other than in Scotland) to be vested in Trustees.

4. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally directly under the Crown as Superior, may lawfully be held by Her Majesty, Her Heirs or Successors, of and under Herself or Themselves as Sovereign or Sovereigns of this Realm and Feudal Superiors, and the Dominium utile thereof shall not become *ipso facto* consolidated with the Dominium directum; and such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally under a Subject Superior, or as are or shall be held in Lease, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be repectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs or Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

Private Estates of the Sovereign in Scotland held under a Superior or in Lease to be vested in Trustees

5. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions (except *Scotland*), may be disposed of by Her Majesty, Her Heirs or Successors, in manner provided by the Fourth Section of the said Act of

As to testamentary Disposition of the private Estates of the Sovereign

other than in Scotland.

of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight: Provided always, that a Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of or concerning any such private Estates as aforesaid, shall not require Publication; and every such Will or Testamentary Disposition shall be valid and effectual, if signed by the Testator or Testatrix, or by some other Person in His or Her Presence, and by His or Her Direction, in the Presence of Two Witnesses: Provided also, that every Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of any such private Estates as aforesaid, made under the Authority of this Act and of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or either of them, and whether made before or after the passing of this Act, shall be construed with reference to the Property comprised in such Will or Testamentary Disposition, to speak and take effect as if it had been executed immediately before the Death of the Testator or Testatrix, unless a contrary Intention shall appear by the Will or other Testamentary Disposition.

As to Disposition of the private Estates of the Sovereign in Scotland.

6. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, may be disposed of by Her Majesty, Her Heirs or Successors, by Dispositions or Conveyance, either special or general, granted either Mortis causâ or Inter vivos; and all Dispositions, Conveyances, Deeds of Appointment, Commissions, Powers of Attorney, Wills, Deeds of Settlement, and other Deeds or Instruments to be made or granted by Her Majesty, Her Heirs or Successors, of or relating to the Private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, shall be valid and effectual, although not executed according to the Forms of the Law of *Scotland*, if the same shall be under the Sign Manual attested by Two or more Witnesses; and every such Disposition or Conveyance, if granted Mortis causâ shall be valid and effectual, whether the same shall be under the Sign Manual as aforesaid, or shall be signed by some other Person in the Presence of the Granter, and by His or Her Direction in the Presence of Two or more Witnesses, who shall attest the same, although the same shall not be executed according to the Forms of the Law of *Scotland*.

As to Descent of the private Estates of the Sovereign.

7. On the Demise of Her Majesty, Her Heirs or Successors, the private Estates of Her Majesty, Her Heirs or Successors, shall, subject and without Prejudice to any Disposition which shall have been made thereof under the Authority of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or of this Act, descend or go in manner prescribed by, and (according to the Nature thereof) be subject to, the Provisions and Restrictions respectively referred to in the Fifth Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight.

8. The

Crown Private Estates.

8. The private Estates of Her Majesty, Her Heirs or Successors, shall be subject to all such Taxes, Rates, Duties, Assessments, and other Impositions, Parliamentary and Parochial, as the same would have been subject to if the same had been the Property of any Subject of this Realm; and all such Rates, Taxes, Assessments, and Impositions shall, so long as such private Estates shall be vested in Her Majesty, Her Heirs or Successors, or in any Person or Persons in trust for Her Majesty, Her Heirs or Successors as aforesaid, be ascertained, rated, assessed or imposed thereon in the same Manner and Form in all respects as if the same Estates were the absolute and beneficial Estate of any of Her Majesty's Subjects; but nevertheless such Rates, Taxes, Assessments, and Impositions shall be paid and payable in manner herein-after directed, and not otherwise.

Private Estates of the Sovereign to be subject to Taxes.

9. So long as the private Estates of Her Majesty, Her Heirs or Successors, shall remain vested in Her Majesty, Her Heirs or Successors, or in any Trustee or Trustees for Her Majesty, Her Heirs or Successors as aforesaid, freed and discharged from the Provisions and Restrictions aforesaid, all Taxes, Rates, Duties, Assessments, Impositions, Rents, and other annual Payments, Fines, and other Outgoings, which shall from Time to Time be charged and chargeable upon or be or become due and payable in respect of all or any of such private Estates, shall be paid and discharged out of the Privy Purse of Her Majesty, Her Heirs or Successors, and Accounts thereof shall from Time to Time be returned to the Person or Persons for the Time being executing the Office of Privy Purse of Her Majesty, Her Heirs or Successors, or to his or their Deputy, who shall by and out of any Monies in his or their Hands applicable for the Use of Her Majesty, Her Heirs or Successors, pay and discharge the same.

Taxes to be paid out of the Privy Purse.

10. The Trustee Act, 1850, shall extend to a Trustee or Trustees of the private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, and to any Trustee or Trustees of any Personal Estate of Her Majesty, Her Heirs or Successors, and any Petition or other Proceeding for obtaining the Benefit of that Act for or on behalf of Her Majesty, Her Heirs or Successors, shall be by and in the Name or Names of any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by any Instrument in Writing under the Sign Manual.

Extension of Trustee Act, 1850, to the private Estates of the Sovereign (except in Scotland), and to the Personal Estate of the Sovereign.

11. All Suits and Actions, either Real or Personal, respecting the private Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, and which may not be vested in a Trustee or Trustees, may be sued, in *Scotland*, on behalf of Her Majesty, Her Heirs and Successors, by and in the Name or Names of any Person or Persons to be from Time to Time for that Purpose appointed by Her Majesty, Her Heirs or Successors, by any Writing under the Sign Manual, every such Appointment to continue only during the Pleasure of Her Majesty,

Provision as to legal Proceedings and Trust Estates in Scotland.

Majesty, Her Heirs and Successors; and all Suits and Actions in *Scotland* respecting such private Estates at the Instance of other Parties may be sued and carried on by Summons or Process directed against such Person or Persons; and Her Majesty, Her Heirs or Successors, shall at all Times be entitled to require any Trustee or Trustees who may be vested in or possessed of any of the private Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, to convey and dispone the same to Her Majesty, Her Heirs or Successors, or to any new Trustee or Trustees to be named or appointed by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual; and in the event of the Failure, Delay, or Inability of any such Trustee or Trustees so to convey or dispone the same, or in the event of the said Trustee or Trustees having died, it shall be competent for any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual, to apply by Petition to the Court of Session to declare that the Trust Conveyance subsists for the Benefit of Her Majesty, Her Heirs and Successors, and that Her Majesty, Her Heirs and Successors, are entitled to have the same transferred, and further to adjudge such private Estates in *Scotland* which shall be specified and described in the Petition from such Trustee or Trustees, or his or their Heirs or Heir, and to decern and declare the same to belong to Her Majesty, Her Heirs or Successors, or to such new Trustee or Trustees as may be so named and appointed, as the Case may be; and the Court of Session shall pronounce Decreet in Terms of the Prayer of such Petition, and such Decreet shall be held to be and shall have the Effect of a valid Conveyance and Disposition in due and usual Form of such private Estates as shall be specified and described in the Decreet in favour of Her Majesty, Her Heirs and Successors, or of such Trustee or Trustees, as the Case may be, and it shall be competent to register such Decreet in the General or Particular Register of Sasines in Terms of and to the Effect authorized by the "Titles to Lands (*Scotland*) Act, 1858," and the "Titles to Lands (*Scotland*) Act, 1860."

Saving of the Rights and Remedies of the Sovereign.

12. Provided that nothing in this Act contained shall take away or interfere with any Right or Remedy by any Law or Statute competent to Her Majesty, Her Heirs or Successors, in regard to the private Estates of Her Majesty, Her Heirs or Successors, or in regard to any Trusts of such Estates, or against any Trustee or Trustees, his or their Heirs, Executors, Administrators, and Assigns.

Short Title.

13. This Act may be cited for all Purposes as "The Crown Private Estates Act, 1862."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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allowed or maintained where the Liquors delivered at One Time, and mentioned in such Article or Item, shall not amount to the full Value of Twenty Shillings at the least: And whereas it is expedient that the said recited Enactment should be repealed so far as is herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Enactment as is herein-before recited shall be and the same is hereby repealed, so far only as relates to Spirituous Liquors sold to be consumed elsewhere than on the Premises where sold, and delivered at the Residence of the Purchaser thereof in Quantities not less at any One Time than a reputed Quart.

Recited Enactment repealed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XXXIX.

An Act for enabling the Commissioners of Her Majesty's Treasury to make Arrangements with the *Red Sea* and *India* Telegraph Company.

[17th *July* 1862.]

WHEREAS in the Year One thousand eight hundred and fifty-eight a Joint Stock Company was incorporated under the "Joint Stock Companies Act," 1856, by the Name of "The *Red Sea* and *India* Telegraph Company, Limited," for the Purpose of establishing Telegraphic Communication between *India* and *England* by the *Red Sea*: And whereas by an Agreement dated the Eighteenth Day of *November* One thousand eight hundred and fifty-eight, and made between Two of the Commissioners of Her Majesty's Treasury of the one Part, and the said Company of the other Part, it was amongst other things provided, that the Lords Commissioners of Her Majesty's Treasury should guarantee to the Company (subject to such Confirmation by Act of Parliament as therein-after mentioned) that during the Period of Fifty Years from the Fourth Day of *August* One thousand eight hundred and fifty-eight, the net Receipts available for Dividend upon each Half-yearly Statement of Accounts, after Payment of Working Expenses as therein-after mentioned, should be

 equal

equal to Interest or Dividend at the Rate of Four and a Half *per Cent. per Annum* at the least upon the Amount of the Capital for the Time being *bonâ fide* called and paid up for the Purpose of the Company's Undertakings, not exceeding in any Case, except as therein-after mentioned, the Sum of Eight hundred thousand Pounds, and should, if and so often as during the said Period of Fifty Years, upon any Half-yearly Statement of Accounts, the net Receipts available for Dividend, after the Payment of Working Expenses, should not be equal to Interest or Dividend at the Rate of Two and a Quarter *per Cent.* for the Half Year upon the above-mentioned Amount of Capital, pay and make good such Deficiency to the Company: Provided always, that in the Calculation of the Amount to which the Company were entitled upon that Guarantee, all Capital paid up in the Course of the current Half Year should be taken to be entitled to Interest or Dividend at the above-mentioned Rate only from the Time when the same was so paid up: Provided also, that all Amounts paid by the Lords Commissioners under the Guarantee should be a Charge on the Company, to be repaid out of the future surplus Profits as therein-after provided: And whereas the said Company was afterwards incorporated, and the said Agreement confirmed by the "*Red Sea* and *India* Telegraph Act, 1859," and by a further Act, intituled *An Act for amending the* Red Sea *and* India *Telegraph Act*, 1859, and passed in the Year One thousand eight hundred and sixty-one, after reciting that Doubts were entertained whether the said Agreement empowered the said Commissioners to give effect to such Guarantee, except during such Time as the Line of Telegraph of the Company was in working Order, and that it was expedient that such Doubts should be removed, it was declared that the Guarantee contained in the said Agreement was not intended to be and was not conditional on the Line of Telegraph of the Company being in working Order: And whereas the Line of Telegraph laid down by the said Company, herein-after referred to as the Old Company, has ceased to transmit Messages: And whereas an Arrangement of which an Abstract is contained in the Schedule to this Act annexed has been entered into between the said Commissioners, the Old Company, and a new Company incorporated under the Name of "The Telegraph to *India* Company, Limited," herein referred to as the New Company, whereby it is agreed that on the New Company complying with certain Conditions required by the said Commissioners (and which Conditions have since been complied with), and in consideration of the New Company discharging all the Debts and Liabilities of the Old Company, the Cables, Lines, Stations, Concessions, and all other the Real and Personal Property of the Old Company, including Things in Action, should be transferred to the New Company; and that in consideration of such Transfer the Old Company should in exchange for

for the Guarantee given by the said Agreement receive such Compensation by way of Annuities, but subject to such Powers of Redemption, as is herein mentioned: And whereas the foregoing Arrangement cannot be carried into effect without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Transfer of Property from Old Company to new.

1. From and after the passing of this Act, the Cables, Lines, Stations, Concessions, and all other the Real and Personal Property of the Old Company, including Things in Action, shall vest in the New Company for all the Estate and Interest of the Old Company therein, and the said Agreement of the Eighteenth Day of *November* One thousand eight hundred and fifty-eight, and all the Covenants and Conditions therein contained, shall be deemed to be at an End, but the new Company shall be bound to fulfil the Agreement contained in the Schedule to this Act.

List of Shareholders to be made.

2. The Books of Transfer of Shares in the said Old Company shall be closed immediately on the passing of this Act, and within One Month from the Date of the passing of this Act a List of the several Persons then holding Shares or Stock in the Capital of the said Company at the Date of such Closing, duly authenticated under the Corporate Seal and by the Signature of the Secretary of the said Company, shall be delivered to the Governor and Company of the Bank of *England*, and such List shall set forth the Names, Descriptions, and Addresses of all such Persons, and the Amount of the Share or Shares held by each respectively, and the Amount which will be payable to each in respect of such Shares out of the Annuity of Thirty-six thousand Pounds herein-after referred to; and such List so authenticated shall for the Purposes of this Act be binding on all Persons whatsoever.

Charge upon Consolidated Fund of Terminable Annuities.

3. The Governor and Company of the Bank of *England*, as soon as possible after such List shall have been delivered to them, shall certify to the Commissioners of Her Majesty's Treasury that such List has been so delivered to them, and the said Commissioners are hereby authorized to charge and shall thereupon charge, under the Authority of this Act, upon the Consolidated Fund of the United Kingdom, an Annuity of Thirty-six thousand Pounds for Forty-six Years ending on the Fourth Day of *August* One thousand nine hundred and eight, payable in equal Moieties half-yearly, the First half-yearly Payment to become due on the Fourth Day of *August* One thousand eight hundred and sixty-two, and the last half-yearly Payment on the Fourth

Fourth Day of *August* One thousand nine hundred and eight; and such half-yearly Payments shall be made to the said Governor and Company for and on account of the several Persons in the said Lists mentioned in the several and respective Accounts therein set forth.

Rights of Shareholders to Terminable Annuities.

4. The proportionate Parts of the said Annuity as certified in such List as being due to the several Persons therein named shall be inscribed in the Names of the several Parties in Books to be provided for the Purpose by the said Governor and Company, and all Payments becoming due from Time to Time thereon shall be payable at the Bank of *England* to the several Persons to whom such Payment shall from Time to Time be due, half-yearly, in equal Moieties on the Fourth Day of *August* and Fourth Day of *February*, and the said proportionate Parts shall be transferable in the Books of the said Governor and Company in like Manner as all other Annuities of like Kind chargeable on the Consolidated Fund of the United Kingdom, and payable by the said Governor and Company, and shall not be liable to Stamp Duty.

Delivery of Transfer Books to Bank of England.

5. Immediately after the Inscription of the said Annuity in the Books of the said Governor and Company as aforesaid, the Books of Transfer, and other Books of the *Red Sea* and *India* Telegraph Company relating to the Shares therein, shall be delivered by the said Company into the Custody of the said Governor and Company of the Bank of *England*, to be retained by them.

Redemption of Annuity.

6. The Commissioners of the Treasury may at any Time redeem the Annuity hereby granted on Payment of a Capital Sum which will be sufficient to purchase a Government Annuity at the Rate of Four Pounds Ten Shillings *per Annum* on each One hundred Pounds of the Stock or Capital of the said Old Company for the unexpired Residue of the Term.

Contribution of Revenues of India.

7. There shall be paid out of the Revenues of *India* to the Account of Her Majesty's Exchequer at the Bank of *England* in respect of the Charge hereby created, by Two half-yearly Payments on the Fourth Day of *August* and Fourth Day of *February* in each Year respectively, the annual Sum of Eighteen thousand and twenty-seven Pounds, being One Half of the Amount of the before-mentioned Annuity, and of the Cost of Management, the First of such half-yearly Payments to be made on the Fourth Day of *August* One thousand eight hundred and sixty-two, and the last on the Fourth Day of *August* One thousand nine hundred and eight.

SCHE-

SCHEDULE.

Heads of Arrangement referred to in Preamble of Act.

1. That the Old Company be divested of all further Responsibility in respect to the Affairs of the Red Sea and India Telegraph, with a view to transferring the entire Concern to the Hands of a New Company, on suitable Terms and Conditions.

2. That the present Guarantee of 4½ per Cent. on the paid-up Capital of the Old Company be converted into a Government Annuity of like Amount, payable at the Bank of England, as in the Case of other Annuities of like Kind.

3. The Commissioners of the Treasury shall have Power to redeem the said Annuity at any Time, on Payment to the said Company of a Capital Sum which will be sufficient to purchase a Government Annuity at the Rate of 4*l.* 10*s.* per Annum on each Hundred Pounds of the Stock or Capital of the Company for the unexpired Residue of the Term of their original Contract.

As regards the New Company.

1. That the Cables, Land Lines, Instruments, Stations, Concessions, &c. belonging to the Old Company shall be made over to the New Company free from Charge, the New Company discharging all outstanding Debts and Liabilities of the Old Company.

2. That the New Company shall use their best Endeavours to repair and restore the whole Line from Suez to Kurrachee, and to work it when completed, but shall not have Possession until Two Thirds of the Capital is subscribed, and One Third paid up, and a suitable Vessel despatched with not less than 200 Miles of new Cable on board.

3. That the Capital of the New Company shall not be less in the first instance than 100,000*l.*, with Power to increase to 250,000*l.*, if required to complete the Restoration of the Line.

4. That the New Company shall be entitled to a clear Dividend out of the Profits of 25 per Cent. on the Money paid up by them.

5. That any surplus Profits shall be applied to reimburse the Commissioners of the Treasury for the Payments they have made or will have to make annually by way of Interest or Annuity upon the Capital expended by the Old Company, after which any further Profits which may accrue shall be applied to the Creation of a Reserve Fund.

6. After the Restoration of the Line any Outlay of Capital shall be subject to the Approval of the Commissioners of the Treasury; and the Commissioners of the Treasury shall have Power to disallow Working Expenditure as excessive or unreasonable.

Red Sea and India Telegraph Company.

7. In the event of the Failure of the Company to restore the Line or maintain it in Working Order, the Commissioners of the Treasury shall have Power to take it into their own Hands again, on repaying the Capital actually expended by the New Company.

Should the Commissioners not exercise this Right, the Company shall be at liberty to dispose of the Property to reimburse their Outlay; the Balance, after defraying the actual Expenditure, to be the Property of the Commissioners of the Treasury.

8. At the Expiration of 30 Years, the Commissioners of the Treasury shall have the Right of re-purchasing the Line and Property on the Terms of Repayment of the Capital expended by the Company.

9. The Failure in Clause Seven shall be defined to be the non-working of the Line from End to End, subject to a just Allowance of Time for Restoration.

10. The Accounts shall be audited at the Treasury half-yearly.

11. All Differences between the Commissioners of the Treasury and the Company shall be decided by Arbitration.

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Purpose, and have named as their Plenipotentiaries; that is to say,

Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, the Right Honourable *Richard Bickerton Pemell* Lord *Lyons*, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of *America*;

And the President of the United States of *America*, *William H. Seward*, Secretary of State;

Who, after having communicated to each other their respective full Powers, found in good and due Form, have agreed upon and concluded the following Articles.

Article I.—The Two High Contracting Parties mutually consent that those Ships of their respective Navies which shall be provided with special Instructions for that Purpose, as hereinafter mentioned, may visit such Merchant Vessels of the Two Nations as may, upon reasonable Grounds, be suspected of being engaged in the *African* Slave Trade, or of having been fitted out for that Purpose, or of having, during the Voyage on which they are met by the said Cruizers, been engaged in the *African* Slave Trade, contrary to the Provisions of this Treaty; and that such Cruizers may detain, and send or carry away, such Vessels, in order that they may be brought to Trial in the Manner hereinafter agreed upon.

In order to fix the reciprocal Right of Search in such a Manner as shall be adapted to the Attainment of the Object of this Treaty, and at the same Time avoid Doubts, Disputes, and Complaints, the said Right of Search shall be understood in the Manner and according to the Rules following:—

First.—It shall never be exercised except by Vessels of War, authorized expressly for that Object, according to the Stipulations of this Treaty.

Secondly.—The Right of Search shall in no Case be exercised with respect to a Vessel of the Navy of either of the Two Powers, but shall be exercised only as regards Merchant Vessels; and it shall not be exercised by a Vessel of War of either Contracting Party within the Limits of a Settlement or Port, nor within the territorial Waters, of the other Party.

Thirdly.—Whenever a Merchant Vessel is searched by a Ship of War, the Commander of the said Ship shall, in the Act of so doing, exhibit to the Commander of the Merchant Vessel the special Instructions by which he is duly authorized to search, and shall deliver to such Commander a Certificate, signed by himself,

himself, stating his Rank in the Naval Service of his Country, and the Name of the Vessel he commands, and also declaring that the only Object of the Search is to ascertain whether the Vessel is employed in the *African* Slave Trade, or is fitted up for the said Trade. When the Search is made by an Officer of the Cruizer who is not the Commander, such Officer shall exhibit to the Captain of the Merchant Vessel a Copy of the before-mentioned special Instructions, signed by the Commander of the Cruizer, and he shall in like Manner deliver a Certificate, signed by himself, stating his Rank in the Navy, the Name of the Commander by whose Orders he proceeds to make the Search, that of the Cruizer in which he sails, and the Object of the Search, as above described. If it appears from the Search that the Papers of the Vessel are in regular Order, and that it is employed on lawful Objects, the Officer shall enter in the Log Book of the Vessel that the Search has been made in pursuance of the aforesaid special Instructions, and the Vessel shall be left at liberty to pursue its Voyage. The Rank of the Officer who makes the Search must not be less than that of Lieutenant in the Navy, unless the Command, either by reason of Death or other Cause, is at the Time held by an Officer of inferior Rank.

Fourthly.—The reciprocal Right of Search and Detention shall be exercised only within the Distance of Two hundred Miles from the Coast of *Africa*, and to the Southward of the Thirty-second Parallel of North Latitude, and within Thirty Leagues from the Coast of the Island of *Cuba*.

Article II.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution, it is agreed—

First.—That all the Ships of the Navies of the Two Nations which shall be hereafter employed to prevent the *African* Slave Trade shall be furnished by their respective Governments with a Copy of the present Treaty, of the Instructions for Cruizers annexed thereto, marked A, and of the Regulations for the Mixed Courts of Justice annexed thereto, marked B, which Annexes respectively shall be considered as integral Parts of the present Treaty.

Secondly.—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders. The said Commanders shall hold the Rank of Captain in the Navy, or at least that of Lieutenant; it being nevertheless understood that the Instructions originally issued to an Officer

Officer holding the Rank of Lieutenant of the Navy, or other superior Rank, shall, in case of his Death or temporary Absence, be sufficient to authorize the Officer on whom the Command of the Vessel has devolved to make the Search, although such Officer may not hold the aforesaid Rank in the Service.

Thirdly.—That if at any Time the Commander of a Cruizer of either of the Two Nations shall suspect that any Merchant Vessel under the Escort or Convoy of any Ship or Ships of War of the other Nation carries Negroes on board, or has been engaged in the *African* Slave Trade, or is fitted out for the Purpose thereof, the Commander of the Cruizer shall communicate his Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the Cruizer, shall proceed to the Search of the suspected Vessel; and in case the Suspicions appear well founded, according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to One of the Places where the Mixed Courts of Justice are stationed, in order that it may there be adjudicated upon.

Fourthly.—It is further mutually agreed, that the Commanders of the Ships of the Two Navies respectively, who shall be employed on this Service, shall adhere strictly to the exact Tenor of the aforesaid Instructions.

Article III.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects or Citizens may incur by an arbitrary and illegal Detention of their Vessels; it being understood that this Indemnity shall be borne by the Government whose Cruizer shall have been guilty of such arbitrary and illegal Detention; and that the Search and Detention of Vessels specified in the First Article of this Treaty shall be effected only by Ships which may form Part of the Two Navies respectively, and by such of those Ships only as are provided with the special Instructions annexed to the present Treaty, in pursuance of the Provisions thereof. The Indemnification for the Damages of which this Article treats shall be paid within the Term of One Year, reckoning from the Day in which the Mixed Court of Justice pronounces its Sentence.

Article IV.—In order to bring to Adjudication with as little Delay and Inconvenience as possible the Vessels which may be detained according to the Tenor of the First Article of this Treaty, there shall be established, as soon as may be practicable, Three Mixed Courts of Justice, formed of an equal Number of

of Individuals of the Two Nations, named for this Purpose by their respective Governments. These Courts shall reside, One at *Sierra Leone*, One at the *Cape of Good Hope*, and One at *New York*.

But each of the Two High Contracting Parties reserves to itself the Right of changing, at its Pleasure, the Place of Residence of the Court or Courts held within its own Territories.

These Courts shall judge the Causes submitted to them according to the Provisions of the present Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered an integral Part thereof; and there shall be no Appeal from their Decision.

Article V.—In case the Commanding Officer of any of the Ships of the Navies of either Country, duly commissioned according to the Provisions of the First Article of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation; and in such Case the Government to which such Commanding Officer may belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may be proved to have committed.

Article VI.—It is hereby further mutually agreed, that every *British* or *American* Merchant Vessel which shall be searched by virtue of the present Treaty may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; namely,

1st.—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

2d.—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary for Vessels engaged in lawful Trade.

3d.—Spare Plank fitted for laying down as a Second or Slave Deck.

4th.—Shackles, Bolts, or Handcuffs.

5th.—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

6th.—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid; unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or of other Vessels should be used only to hold Palm Oil, or for other Purposes of lawful Commerce.

7th.—A greater Number of Mess Tubs or Kids than requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

8th.—A Boiler or other Cooking Apparatus of an unusual Size, and larger or capable of being made larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler or other Cooking Apparatus of the ordinary Size.

9th.—An extraordinary Quantity of Rice, of the Flour of *Brazil*, of Manioc or Cassada commonly called Farinha, of Maize, or of Indian Corn, or of any other Article of Food whatever, beyond the probable Wants of the Crew; unless such Rice, Flour, Farinha, Maize, Indian Corn, or other Article of Food be entered on the Manifest as Part of the Cargo for Trade.

10th.—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel; unless such Mats or Matting be entered on the Manifest as Part of the Cargo for Trade.

If it be proved that any One or more of the Articles above specified is or are on board, or have been on board during the Voyage in which the Vessel was captured, that Fact shall be considered as *primâ facie* Evidence that the Vessel was employed in the *African* Slave Trade, and she shall in consequence be condemned and declared lawful Prize; unless the Master or Owners shall furnish clear and incontrovertible Evidence, proving to the Satisfaction of the Mixed Court of Justice that at the Time of her Detention or Capture the Vessel was employed in a lawful Undertaking, and that such of the different Articles above specified as were found on board at the Time of Detention, or as may have been embarked during the Voyage on which she was engaged when captured, were indispensable for the lawful Object of her Voyage.

Article VII.—If any One of the Articles specified in the preceding Article as Grounds for Condemnation should be found on board a Merchant Vessel, or should be proved to have been on board of her during the Voyage on which she was captured, no

no Compensation for Losses, Damages, or Expenses consequent upon the Detention of such Vessel shall in any Case be granted, either to the Master, the Owner, or any other Person interested in the Equipment or in the Lading, even though she should not be condemned by the Mixed Court of Justice.

ARTICLE VIII.—It is agreed between the Two High Contracting Parties, that in all Cases in which a Vessel shall be detained under this Treaty by their respective Cruizers as having been engaged in the *African* Slave Trade, or as having been fitted out for the Purposes thereof, and shall consequently be adjudged and condemned by One of the Mixed Courts of Justice to be established as aforesaid, the said Vessel shall, immediately after its Condemnation, be broken up entirely and shall be sold in separate Parts, after having been so broken up; unless either of the Two Governments should wish to purchase her for the Use of its Navy at a Price to be fixed by a competent Person chosen for that Purpose by the Mixed Court of Justice; in which Case the Government whose Cruizer shall have detained the condemned Vessel shall have the First Option of Purchase.

ARTICLE IX.—The Captain, Master, Pilot, and Crew of any Vessel condemned by the Mixed Courts of Justice shall be punished according to the Laws of the Country to which such Vessel belongs, as shall also the Owner or Owners, and the Persons interested in her Equipment or Cargo, unless they prove that they had no Participation in the Enterprize.

For this Purpose the Two High Contracting Parties agree that, in so far as it may not be attended with grievous Expense and Inconvenience, the Master and Crew of any Vessel which may be condemned by a Sentence of One of the Mixed Courts of Justice, as well as any other Persons found on board the Vessel, shall be sent and delivered up to the Jurisdiction of the Nation under whose Flag the condemned Vessel was sailing at the Time of Capture; and that the Witnesses and Proofs necessary to establish the Guilt of such Master, Crew, or other Persons shall also be sent with them.

The same Course shall be pursued with regard to Subjects or Citizens of either Contracting Party who may be found by a Cruizer of the other on board a Vessel of any Third Power, or on board a Vessel sailing without Flag or Papers, which may be condemned by any competent Court for having engaged in the *African* Slave Trade.

ARTICLE X.—The Negroes who are found on board of a Vessel condemned by the Mixed Courts of Justice, in conformity with the Stipulations of this Treaty, shall be placed at the Disposal of the Government whose Cruizer has made the Capture. They shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guaranteeing their Liberty.

ARTICLE XI.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows:

(A.) Instructions for the Ships of the Navies of both Nations destined to prevent the *African* Slave Trade.

(B.) Regulations for the Mixed Courts of Justice.

ARTICLE XII.—The present Treaty shall be ratified, and the Ratifications thereof shall be exchanged at *London* in Six Months from this Date, or sooner if possible. It shall continue and remain in full Force for the Term of Ten Years from the Day of Exchange of the Ratifications, and further, until the End of One Year after either of the Contracting Parties shall have given Notice to the other of its Intention to terminate the same; each of the Contracting Parties reserving to itself the Right of giving such Notice to the other at the End of said Term of Ten Years. And it is hereby agreed between them, that on the Expiration of One Year after such Notice shall have been received by either from the other Party this Treaty shall altogether cease and determine.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have thereunto affixed the Seal of their Arms.

Done at *Washington* the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

Annex (A.) to the Treaty between Great Britain and the United States of America, for the Suppression of the African Slave Trade, signed at Washington on the Seventh Day of April One thousand eight hundred and sixty-two.

Instructions for the Ships of the British and United States Navies employed to prevent the African Slave Trade.

ARTICLE I.—The Commander of any Ship belonging to the *British* or United States Navy which shall be furnished with these

these Instructions shall have a Right to search and detain any *British* or United States Merchant Vessel which shall be actually engaged or suspected to be engaged in the *African* Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in such Trade during the Voyage in which she may be met with by such Ship of the *British* or United States Navy; and such Commander shall thereupon bring or send such Merchant Vessel (save in the Case provided for in Article V. of these Instructions) as soon as possible for Judgment before One of the Three Mixed Courts of Justice established in virtue of the IVth Article of the said Treaty; that is to say,

If the Vessel shall be detained on the Coast of *Africa*, she shall be brought before that One of the Two Mixed Courts of Justice to be established at the *Cape of Good Hope* and at *Sierra Leone* which may be nearest to the Place of Detention, or which the Captor, on his own Responsibility, may think can be soonest reached from such Place.

If the Vessel shall be detained on the Coast of the Island of *Cuba*, she shall be brought before the Mixed Court of Justice at *New York*.

Article II.—Whenever a Ship of either of the Two Navies, duly authorized as aforesaid, shall meet a Merchant Vessel liable to be searched under the Provisions of the said Treaty, the Search shall be conducted with the Courtesy and Consideration which ought to be observed between allied and friendly Nations; and the Search shall, in all Cases, be made by an Officer holding a Rank not lower than that of Lieutenant in the Navy, or by the Officer who at the Time shall be Second in Command of the Ship by which such Search is made.

Article III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid, who may detain any Merchant Vessel in pursuance of the Tenor of the present Instructions, shall leave on board the Vessel so detained the Master, the Mate, or Boatswain, and Two or Three at least of the Crew, the whole of the Negroes, if any, and all the Cargo. The Captor shall at the Time of Detention draw up in Writing a Declaration, which shall exhibit the State in which he found the detained Vessel. Such Declaration shall be signed by himself, and shall be given in or sent, together with the captured Vessel, to the Mixed Court of Justice before whom such Vessel shall be carried or sent for Adjudication. He shall deliver to the Master of the detained Vessel a signed and certified List of the

Papers found on board the same, as well as a Certificate of the Number of Negroes found on board at the Moment of Detention.

In the Declaration which the Captor is hereby required to make, as well as in the certified List of the Papers seized, and in the Certificate of the Number of Negroes found on board the detained Vessel, he shall insert his own Name and Surname, the Name of the capturing Ship, and the Latitude and Longitude of the Place where the Detention shall have been made.

The Officer in charge of the detained Vessel shall, at the Time of bringing the Vessel's Papers into the Mixed Court of Justice, deliver into the Court a Certificate, signed by himself, and verified on Oath, stating any Changes which may have taken place in respect to the Vessel, her Crew, the Negroes, if any, and her Cargo, between the Period of her Detention and the Time of delivering in such Paper.

Article IV.—If urgent Reasons, arising from the Length of the Voyage, the State of Health of the Negroes, or any other Cause, should require that either the whole or a Portion of such Negroes should be disembarked before the Vessel can arrive at the Place at which One of the Mixed Courts of Justice is established, the Commander of the capturing Ship may take upon himself the Responsibility of so disembarking the Negroes, provided the Necessity of the Disembarkation, and the Causes thereof, be stated in a proper Form. Such Certificate shall be drawn up and entered at the Time on the Log Book of the detained Vessel.

Article V.—In case any Merchant Vessel detained in pursuance of the present Instruction should prove to be unseaworthy, or in such a Condition as not to be taken to One of the Three Ports where the Mixed Courts of Justice are to be established, in pursuance of the Treaty of this Date, the Commander of the detaining Cruizer may take upon himself the Responsibility of abandoning or destroying her, provided the exact Causes which made such a Step imperatively necessary be stated in a Certificate, verified on Oath. Such Certificate shall be drawn up and formally executed in Duplicate at the Time.

In case of the Abandonment or Destruction of a detained Vessel, the Master and Crew, together with the Negroes and Papers found on board, and One Copy of the sworn Certificate mentioned in the preceding Paragraph of this Article, shall be sent and delivered to the proper Mixed Court of Justice at the earliest possible Moment.

The

African Slave Trade Treaty.

The undersigned Plenipotentiaries have agreed, in conformity with the Eleventh Article of the Treaty signed by them on this Day, that the present Instructions shall be annexed to the said Treaty, and be considered an integral Part thereof.

Done at *Washington*, the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

Annex (B.) to the Treaty between Great Britain and the United States of America for the Abolition of the African Slave Trade, signed at Washington on the Seventh Day of April One thousand eight hundred and sixty-two.

Regulations for the Mixed Courts of Justice.

ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty, of which these Regulations are declared to be an integral Part, shall be composed in the following Manner:

The Two High Contracting Parties shall each name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them.

The Judges and the Arbitrators shall, before they enter upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Place in which such Courts shall respectively reside, that they will judge fairly and faithfully; that they will have no Preference either for Claimant or for Captor; and that they will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Party in whose Territories such Court shall reside.

Such Secretary or Registrar shall register all the Acts of the Court to which he is appointed, and shall, before he enters upon his Office, make Oath before the Court that he will conduct himself with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his Office.

The Salaries of the Judges and Arbitrators shall be paid by the Governments by whom they are appointed.

The

The Salary of the Secretaries or Registrars of the Two Courts to be established in the Territories of *Great Britain* shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Territories of the United States shall be paid by the United States Government.

Each of the Two Governments shall defray Half of the aggregate Amount of the other Expenses of such Courts.

ARTICLE II.—The Expenses incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Negroes, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall in case of Condemnation be defrayed from the Funds arising out of the Sale of the Materials of the Vessel, after the Vessel shall have been broken up, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandise; and in case the Proceeds arising out of this Sale should not prove sufficient to defray such Expenses, the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expenses occasioned by bringing her to Adjudication shall be defrayed by the Captor, except in the Cases specified and otherwise provided for under Article VII. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

ARTICLE III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention of such Vessels as the Cruizers of either Nation shall detain, in pursuance of the said Treaty.

The said Courts shall adjudge definitively and without Appeal all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of the Courts shall take place as summarily as possible; and for this Purpose the Courts are required to decide each Case, as far as may be practicable, within the Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either on account of the Absence of Witnesses or for any other Cause, except upon the Application of any of the Parties interested; but in that Case, upon such Party or Parties giving satisfactory Security that they will take upon

upon themselves the Expense and Risks of the Delay, the Courts may, at their Discretion, grant an additional Delay, not exceeding Four Months.

Either Party shall be allowed to employ such Counsel as he may think fit to assist him in the Conduct of his Cause.

All the Acts and essential Parts of the Proceedings of the said Courts shall be committed to Writing, and be placed upon record.

ARTICLE IV.—The Form of the Process or Mode of proceeding to Judgment shall be as follows:

The Judges appointed by the Two Governments respectively shall in the first place proceed to examine the Papers of the detained Vessel, and shall take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board of such Vessel, and shall also take the Declaration on Oath of the Captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that, according to such Judgment, the Vessel may be condemned or released. In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce in any Case brought before them, whether with respect to the Legality of the Detention, or the Liability of the Vessel to Condemnation, or as to the Indemnification to be allowed, or as to any other Question which may arise out of the said Capture, or in case any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall draw by Lot the Name of One of the Two Arbitrators so appointed as aforesaid, which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two Judges on the Case; and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found (with the Exception of the Negroes found on board, if such Negroes shall have been previously disembarked under the Provisions of Articles IV. and V. of the Instructions annexed to the Treaty of this Date), shall forthwith be given up to the Master, or to the Person who represents him; and such Master or other Person may, before the same Court, claim a Valuation of the Damages which he may have a Right to demand. The Captor himself, and in his Default his Government, shall remain responsible for the Damages to which

the Master of such Vessel, or the Owners either of the Vessel or of her Cargo, may be pronounced to be entitled.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the Court; it being mutually agreed that such Costs and Damages shall be paid by the Government of the Country of which the Captor shall be a Subject.

ARTICLE VI.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Negroes who shall have been brought on board for the Purpose of Trade; and the said Vessel, subject to the Stipulations in the VIIIth Article of the Treaty of this Date, shall, as well as her Cargo, be sold by Public Sale for the Profit of the Two Governments, subject to the Payment of the Expenses hereinafter mentioned.

The Negroes who may not previously have been disembarked shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom the Cruizer which made the Capture belongs, in order to be forthwith set at liberty.

ARTICLE VII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein Restitution of such Vessels and Cargoes shall be decreed, save as mentioned in the VIIth Article of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations, the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; and it is agreed that the Indemnification shall be as follows:

First.—In case of total Loss, the Claimant or Claimants shall be indemnified,—

(A.) For the Ship, her Tackle, Equipment, and Stores.

(B.) For all Freights due and payable.

(C.) For the Value of the Cargo of Merchandise, if any, deducting all Charges and Expenses which would have been payable

payable upon the Sale of such Cargo, including Commission of Sale.

(D.) For all other regular Charges in such Case of total Loss.

Secondly.—In all other Cases (save as herein-after mentioned) not of total Loss, the Claimant or Claimants shall be indemnified,—

(A.) For all special Damages and Expenses occasioned to the Ship by the Detention, and for Loss of Freight, when due or payable.

(B.) For Demurrage, when due, according to the Schedule annexed to the present Article.

(C.) For any Deterioration of the Cargo.

(D.) For all Premium of Insurance on additional Risks.

The Claimant or Claimants shall be entitled to Interest at the Rate of 5 (Five) *per Cent. per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnifications shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be liquidated at the Exchange current at the Time of the Award.

The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without having recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expenses consequent upon such Detention.

Schedule of Demurrage or daily Allowance for a Vessel of

Tons.		Tons.		£	
100	to	120	inclusive,	5	per diem,
121	„	150	„	6	„
151	„	170	„	8	„
171	„	200	„	10	„
201	„	220	„	11	„
221	„	250	„	12	„
251	„	270	„	14	„
271	„	300	„	15	.

and so on in proportion.

ARTICLE VIII.—Neither the Judges nor the Arbitrators, nor the Secretaries or Registrars of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries or Registrars have to perform.

ARTICLE IX.—The Two High Contracting Parties have agreed that in the event of the Death, Sickness, Absence on Leave, or any other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Post of such Judge or Arbitrator shall be supplied *ad interim* in the following Manner:

First.—On the Part of Her *Britannic* Majesty, and in those Courts which shall sit within the Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in case the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled by the Governor or Lieutenant-Governor resident in such Possession; in his unavoidable Absence, by the principal Magistrate of the same, or in the unavoidable Absence of the principal Magistrate by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before it for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Secondly.—On the Part of *Great Britain*, and in that Court which shall sit within the Territories of the United States of *America*, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in case the Vacancy be originally that of the *British* Arbitrator, his Place shall be filled by the *British* Consul, or in the unavoidable Absence of the Consul by the *British* Vice-Consul; and in case the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice-Consul; but if there be no *British* Consul or Vice-Consul to fill the Place of *British* Arbitrator, then the United States Arbitrator shall be called in, in those Cases in which the *British* Arbitrator would be called in; and in case the Vacancy be both of the *British* Judge and of the *British* Arbitrator, and there be neither *British* Consul nor Vice-Consul to fill *ad interim* the Vacancies, then the United States Judge and Arbitrator shall

shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Thirdly.—On the Part of the United States, and in that Court which shall sit within their Territories, if the Vacancy be that of the United States Judge, his Place shall be filled by the United States Arbitrator; and either in that Case, or in case the Vacancy be originally that of the United States Arbitrator, the Place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of *New York*; and the said Court, so constituted as above, shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Fourthly.—On the Part of the United States of *America*, and in those Courts which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the United States Judge, his Place shall be filled by the United States Arbitrator; and either in that Case, or in case the Vacancy be originally that of the United States Arbitrator, his Place shall be filled by the United States Consul, or in the unavoidable Absence of the Consul by the United States Vice-Consul; in case the Vacancy be both of the United States Judge and of the United States Arbitrator, then the Vacancy of the Judge shall be filled by the United States Consul, and that of the United States Arbitrator by the United States Vice-Consul; but if there be no United States Consul or Vice-Consul to fill the Place of the United States Arbitrator, then the *British* Arbitrator shall be called in, in those Cases in which the United States Arbitrator would be called in; and in case the Vacancy be both of the United States Judge and of the United States Arbitrator, and there be neither United States Consul nor Vice-Consul to fill *ad interim* the Vacancies, then the *British* Judge and the *British* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

The chief Authority of the Place in the Territories of either High Contracting Party where the Mixed Courts of Justice shall sit shall, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, forthwith give Notice of the same by the most expeditious Method in his Power to the Government of that other High Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period. And each of the High Contracting

Parties agrees to supply definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Courts from Death or from any other Cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth Article of the Treaty signed by them on this Day, that the preceding Regulations shall be annexed to the said Treaty, and considered an integral Part thereof.

Done at *Washington*, the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

And whereas it is expedient that Provision should be made for giving effect to the Provisions of the said Treaty and Annexes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Officers commanding Ships of Her Majesty or of the United States of America, being duly authorized, empowered to visit and search Merchant Ships of the Two Nations.

1. It shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the United States of *America*, not below the Rank of Lieutenant of the Royal Navy (unless by the Death of the Commander of such Ship or otherwise the Command thereof shall have devolved upon an Officer of inferior Rank, and then for such last-mentioned Officer), and who shall be duly instructed and authorized, according to the Provisions of the said Treaty, and for any Officer not below the Rank of Lieutenant in the Royal Navy who shall be acting under the Orders of any Officer commanding a Ship of War so instructed and authorized as aforesaid, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice, to be established in virtue of the Fourth Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Ships suspected of having been fitted out for the Purpose of Traffic in

2. All Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the

the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *American* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts of Justice to be appointed according to the Provisions of the said Treaty.

Slaves liable to search and Detention.

3. It shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

4. It shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts of Justice which shall be established in Her Majesty's Dominions, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

5. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of any of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her

In Case of the Death or Incapacity from Illness of any British Judge of such Courts

or of the British Arbitrator.

Her Majesty, or until such Judge shall resume the Duties of his said Office; and in case of the Vacancy of the Office of *British* Arbitrator of the Mixed Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court of Justice, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant-Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty, or until such Arbitrator shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Mixed Court of Justice established by virtue of the said Treaty within the Possessions of the United States of *America*, or in case of his assuming *ad interim* the Duties of a Judge of the said Mixed Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice-Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul and such Office of *British* Arbitrator by the *British* Vice-Consul; and in case there shall be no *British* Consul or Vice-Consul at such Place, then it shall be lawful for the United States Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice-Consul resident at such Place, then it shall be lawful for the United States Judge and United States Arbitrator of such Court to sit in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

In Case of the Death or Incapacity from Illness or other lawful Impediment of the United States Judge or Arbitrator of such Court sitting in Territories

6. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such United States Judge of the said Court established by virtue of the said Treaty within the Territories of the United States, the Place of such United States Judge shall be filled by the United States Arbitrator *ad interim* until the Office shall be thereafter filled by some Person appointed by the said United States, or until such Judge shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave of the said United States Arbitrator of such Court, or in case of his assuming *ad*

ad interim the Duties of the United States Judge of the said Court as aforesaid, the Place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of *New York;* and it shall be lawful for the said Court so constituted as aforesaid to act, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly.

of United States.

7. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such United States Judge of any of the Courts established by virtue of the said Treaty which shall sit within the Possession of Her Majesty, the Place of such United States Judge shall be filled by the United States Arbitrator; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the United States Arbitrator, or in case his assuming *ad interim* the Duties of the United States Judge of the said Mixed Court, the Office of such United States Arbitrator shall be filled by the United States Consul, or in the unavoidable Absence of the Consul by the United States Vice-Consul; and in case the Vacancy be both of the United States Judge and United States Arbitrator, then the Vacancy of the United States Judge shall be filled by the United States Consul, and that of the United States Arbitrator by the United States Vice-Consul; and if there be no United States Consul or Vice-Consul to fill the Place of the United States Arbitrator, then it shall be lawful for the *British* Arbitrator to act in all those Cases in which the United States Arbitrator would be required to act; and in case the Vacancy be both of the United States Judge and of the United States Arbitrator, and there be neither United States Consul nor Vice-Consul to fill *ad interim* the Vacancies, then it shall be lawful for the *British* Judge and the *British* Arbitrator to sit in such Court; and in all Cases brought before them for Adjudication it shall be lawful for such Court so constituted to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by the United States, or until the said United States Judge and United States Arbitrator shall resume the Duties of their said Offices respectively.

In Case of Death, Incapacity through Illness or other lawful Impediment of United States Judge or Arbitrator of such Courts sitting within Territories of Her Majesty.

8. Every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Mixed Court shall be established, whether belonging to Her Majesty or to the United States of *America;*

Judges and Arbitrators to take an Oath.

 which

which Oath any such Magistrate shall be authorized to administer in the Form following; (that is to say,)

Form of Oath.

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors or any other Persons, and that I will to the best of my Judgment and Power act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between Her Majesty and the United States of America, signed at Washington on the Seventh Day of June One thousand eight hundred and sixty-two.'

Secretary or Registrar to take an Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Mixed Courts, who shall be empowered to administer the same in the Form following; (that is to say,)

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with Respect to the Authority of the Judges and Arbitrators of the Court to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour, either for Claimants or Captors or any other Persons.'

Judges and Arbitrators may administer Oaths.

9. It shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice-Admiralty may do.

Punishing Persons giving false Evidence.

10. Every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding before the Judges or Arbitrators aforesaid under the said Treaty or this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and

and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

11. The Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo of Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained in consequence of any Capture, Seizure, or Detention, or anything done in pursuance of the Provisions of the said Treaty.

Pendency of Suits before the Mixed Court to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

12. If any of the Particulars specified in the Sixth Article of the said Treaty shall be found in the Outfit and Equipment of or on board of any such Merchant Vessel wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.*

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

5 G. 4. c. 113.

13. Immediately after Sentence of Condemnation upon a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the said Treaty, all Negroes or others who were on board for the Purpose of being consigned to Slavery shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

Captured Negroes to be delivered over.

14. Any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials

Vessel condemned to be sold for Her Majesty's Service or broken up.

Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof, and of the Goods, Wares, and Merchandise laden therein, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

15. Where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty duly authorized to make such Seizure under the Provisions of the said Treaty, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the said Treaty, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Persons found on board condemned Vessel may be sent to proper Jurisdiction to be tried.

16. For the Purpose of giving effect to the Ninth Article of the said Treaty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, with respect to Persons being within the United Kingdom of *Great Britain* and *Ireland* and for the Governor, Lieutenant Governor, or principal Magistrate of any other Part of Her Majesty's Dominions, with respect to Persons being within such other Part of Her Majesty's Dominions, if he shall think fit, by Order in Writing under his Hand, to direct that the Captain, Master, Pilot, or any of the Crew of any Vessel which shall have been so condemned as mentioned in the said Ninth Article, or any other Person found on board such Vessel at the Time of Capture, shall be forthwith conveyed within the Jurisdiction of the Nation under whose Flag such Vessel so condemned as aforesaid was sailing at the Time of Capture, or to which such Vessel may belong; and when any such Order shall have been made as aforesaid, it shall be lawful to arrest and detain within any Part of Her Majesty's Dominions any Person in respect of whom any such Order shall have been made as aforesaid; and it shall be lawful for any Judge, Justice of the Peace, Headborough, Peace Officer, Constable, or other Person having the like Authority to cause to be arrested and detained, and to arrest and detain, for the Purpose of being conveyed within the proper Jurisdiction, any Person in respect of whom such Order shall have been made as aforesaid, as fully and effectually as if such Person had committed a Felony within the Jurisdiction where such Person may be.

Measures to be taken to secure Attendance of Witnesses.

17. When any such Order shall have been made, such Secretary of State, Governor, Lieutenant Governor, or other principal Magistrate making such Order shall be empowered to take all such Measures as to him shall seem requisite and expedient for the Purpose of securing the Attendance of Witnesses, and the Production of

of Proofs necessary to establish the Guilt of the Person or Persons with respect to whom such Order shall have been made before the Court or Judge having the proper Jurisdiction in that Behalf.

Bounty for Slaves captured.

18. There shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *American* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council, or by any Proclamation to be made for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

19. Where any Ship or Vessel which shall have been seized and condemned under the Provisions of the Treaty aforesaid shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale, as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized an additional Bounty to be paid.

20. Where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton, and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of Monies to be provided by Parliament.

21. All Bounties payable under this Act shall be paid out of any Monies that may be provided by Parliament for that Purpose to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaty or Convention, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

22. The said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Proof of Tonnage.

23. In order to entitle the Captors to receive the said Bounty Money, the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy duly certified of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Copy of Sentence of Condemnation to be produced to the Treasury.

24. In order to entitle the Captors to receive the said Bounty Money, the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Shares.

One Moiety of this Bounty only to be paid in certain Cases.

25. Where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *American* Ship or Vessel taken and condemned in pursuance of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

26. Any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of the Share of the Proceeds of any *British* or *American* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine

determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice-Admiralty Courts relating to any such Seizure.

27. All the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Percentage due thereon to *Greenwich* Hospital, shall be extended to all the Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crew of any of Her Majesty's Ships and Vessels of War.

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

28. Where any Ship or Vessel belonging in whole or in part to Subjects of Her Majesty or of the United States of *America* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Mixed Court, as is mentioned in the Fifth Article of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct Payment to be made out of any Monies that may be provided by Parliament as aforesaid of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may order Payment of Costs awarded for Vessels of Her Majesty and of the United States of America detained but not condemned.

29. When any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment to be made out of any Monies that may be provided by Parliament as aforesaid of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure or any proportionate Part thereof.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

30. If any of the Things specified in the Sixth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before the said Mixed Court of Justice, neither the Master nor the Owner, nor any Persons whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or

No Compensation when any Articles specified in the Sixth Article of the Treaty are found on board.

or Damages for such Detention, although the said Commissioners should not pronounce any Sentence of Condemnation.

Right of search and Detention only to be exercised with certain Limits.

31. The Right of Search and Detention by the First Article of the said Treaty conferred shall be exercised only within the Distance of Two hundred Miles from the Coast of *Africa*, and to the Southward of the Thirty-second Parallel of North Latitude, and within Thirty Leagues of the Coast of the Island of *Cuba*.

Right of Search not to be exercised by one Nation in Ports, &c. of the other.

32. It shall not be lawful for Vessels of War of either of the said Two Nations to exercise such Right of Search within the Limits of a Settlement or Port or within the Territorial Waters of the other Nation.

Actions or Suits for Things done in pursuance of the said Treaty or this Act.

33. If any Action or Suit shall be commenced in *Great Britain* or elsewhere against any Person or Persons for anything done in pursuance of the said Treaty or of this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of the said Treaty or of this Act, and if it shall appear so to have been done the Jury shall find for the Defendant or the Defendants, and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

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CAP. XLI.

An Act for amending "The Rifle Volunteer Grounds Act, 1860." [17th *July* 1862.]

WHEREAS it is expedient to amend "The Rifle Volunteer Grounds Act, 1860," by extending its Provisions to Corps of Volunteer Artillery: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 140.

1. The Expression "Corps of Volunteer Artillery," as herein used, shall mean any Corps of Volunteer Artillery of which Her Majesty has accepted the Offer of Service, in pursuance of the several Acts of Parliament in that Behalf provided. Definition of "Corps of Volunteer Artillery."

2. The Expression "Volunteer Grounds Acts" shall mean "The Rifle Volunteer Grounds Act" and this Act. Definition of "Volunteer Grounds Acts."

3. Any Corps of Volunteer Artillery may purchase or acquire by Grant any Land for Artillery Practice, and for the Erection of Batteries, Targets, and other Accommodation for the Use of the Corps when practising with Artillery, in the same Manner and subject to the same Conditions in and subject to which a Rifle Volunteer Corps, Provisions of recited Act extended to Volunteer Corps of Artillery.

Corps may purchase or acquire Land in pursuance of "The Rifle Volunteer Grounds Act, 1860," for the Purposes therein mentioned; and all the Provisions of "The Rifle Volunteer Grounds Act, 1860," shall extend to a Corps of Volunteer Artillery, in the same Manner as if throughout the said Act where a Rifle Volunteer Corps is named or referred to a Corps of Volunteer Artillery had also been named or referred to.

Lands, &c. held on Trust for any Corps, to pass and vest in Officer in Command for Time being.

4. Where previously to the passing of this Act any Land has become vested in any Person or Persons, on trust for or on behalf of any Corps of Volunteer Artillery, such Land shall on the passing of this Act pass to and vest in the Commanding Officer for the Time being of such Corps, and his Successors in Office, for all the Estate and Interest to which the Corps is entitled in such Land, in the same Manner as if such Land had been acquired in pursuance of the Provisions of the Volunteer Grounds Acts, without Prejudice, nevertheless, to any Reservation of Rent or other Right, or to the Recovery of such Rents or the Enforcement of such Rights by any Person or Persons by whom the same might have been recovered or enforced if this Act had not passed.

Penalty on wilful Injuries to Butts and Targets.

5. If any Person wilfully commits any Damage or Injury to the Butts or Targets belonging to or lawfully used by any Corps of Volunteers, or, without the Leave of the Commanding Officer of such Corps, searches for Bullets in or otherwise disturbs the Soil forming such Butts or Targets, he shall, upon summary Conviction, incur for each Offence a Penalty not exceeding Five Pounds.

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CAP. XLII.

An Act to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of *Lancaster*.

[17th *July* 1862.]

WHEREAS the High Court of Chancery has Power in certain Cases to refuse or postpone the Application of Remedies within its Jurisdiction, until Questions of Law and Fact on which the Title to such Remedies depends have been determined or ascertained in One of Her Majesty's Courts of Common Law: And whereas it is expedient that the said Power should no longer exist, and that in all such Cases every Question of Law and of Fact, cognizable in a Court of Common Law, arising in the said Court of Chancery, on which the Right of any Party to any equitable Relief or Remedy depends, and whether the Title to such Relief or Remedy be or be not incident to or dependent upon a legal Right, should be determined by or before the said Court itself: And whereas the Procedure of the Court of Chancery of the County Palatine of *Lancaster* has been assimilated to the Procedure of the said High Court in the Matters aforesaid; and it is expedient that the future Procedure of the said Courts should also be alike: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Court shall determine every Question of Law and Fact incident to the Relief sought.

1. In all Cases in which any Relief or Remedy within the Jurisdiction of the said Courts of Chancery respectively is or shall be sought in any Cause or Matter instituted or pending in either of the said Courts, and whether the Title to such Relief or Remedy be or be not incident to or dependent upon a legal Right, every Question of Law or Fact, cognizable in a Court of Common Law, on the Determination of which the Title to such Relief or Remedy depends, shall be determined by or before the same Court.

Where Questions of Fact may be more conveniently tried at Assizes, Issues may be directed.

2. Provided always, That whenever it shall appear to either of such Courts that any Question of Fact may be more conveniently tried by a Jury at the Assizes, or at any Sitting in *London* or *Middlesex* for the Trial of Issues in the Superior Courts of Common Law, it shall be lawful for such Court, notwithstanding anything in this Act contained, to direct an Issue to try any Question of Fact at the Assizes to be held in and for any County where the same may be conveniently tried, or at any such Sitting for the Trial of Issues in *London* or *Middlesex* as aforesaid; and (subject to such General Orders, if any, as may hereafter be made in relation thereto,) the Practice hitherto existing in such Court in reference to the Trial of Issues shall prevail in reference to the Trial of any Issues directed under this Proviso.

Provisions of 21 and 22 Vict. c. 27, to apply to this Act.

3. All the Provisions with reference to the Trial of Questions of Fact by or before the High Court of Chancery, and by or before the Court of Chancery of the said County Palatine, which are contained in "The Chancery Amendment Act, 1858," shall apply to the Determination of Questions of Fact by or before the said Courts respectively under this Act.

Proviso in Cases where Object of Suit to recover or defend Possession of Land under a legal Title.

4. Provided also, That in all Cases in which the Object of any Suit in Equity shall be to recover or to defend the Possession of Land under a legal Title, or under a Title which would have been legal but for the Existence of some outstanding Term, Lease, or Mortgage (and whether mesne Profits or Damages shall or shall not also be sought in such Suit), such Relief only shall be given in Equity as would have been proper according to the Rules and Practice of the Court if this Act had not passed; and nothing in this Act shall make it necessary for a Court of Equity to grant Relief in any Suit concerning any Matter as to which a Court of Common Law has concurrent Jurisdiction, if it shall appear to the Court that such Matter has been improperly brought into Equity, and that the same ought to have been left to the sole Determination of a Court of Common Law.

5. Nothing

Chancery Regulation.

5. Nothing in this Act contained shall alter or affect the Power of the Judges of the High Court of Chancery to sit with the Assistance of a Judge of any of Her Majesty's Courts of Common Law.

Court of Chancery may sit with Assistance of a Common Law Judge.

6. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and sixty-two, and may be cited or referred to as "The Chancery Regulation Act, 1862."

Commencement of Act.

Short Title.

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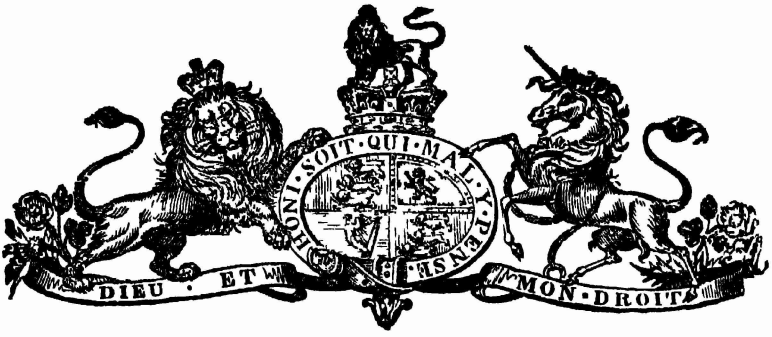

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Period), and in the Conveyance of such Child to and from the same, and, in the Case of Death, the Expenses of his or her Burial.

Poor Law Board to certify the School.

2. The Poor Law Board may, if they think fit, upon the Application in Writing of the Managers of any such School as aforesaid, appoint such Person as they shall deem proper to examine into the Condition of the School, and to report to the said Board thereon, and, if satisfied with such Report, that Board may, by Writing under the Hand of One of their Secretaries, certify that such School is fitted for the Reception of such Children or Persons as may be sent there by the Guardians, in pursuance of this Act; and it shall be lawful for the said Board, if at any Time they shall be dissatisfied with the Condition or Management of such School, by Notice addressed to the Managers, and signed as aforesaid, to declare that the Certificate is withdrawn from and after a Day to be specified therein, not less than Two Months after the Date thereof.

Poor Law Board may order Children to be removed from School.

3. If the Poor Law Board shall be of opinion that any Person is aggrieved by any Child being so sent or kept at such School as aforesaid, the Board may order any such Child to be removed, and the Guardians shall forthwith cause such Child to be removed from the School, and every Engagement previously entered into for the Payment of the Charges of such Child shall thereupon cease, and become void for the future.

School to be open to Inspection.

4. Every School wherein any such Child shall be received shall be open to the Visitation and Inspection of any Inspector appointed by the Poor Law Board, and he shall be empowered to make any Examination into the State and Management of the same which he shall deem requisite, and the Condition and Treatment of the said Children therein, and shall make his Report thereon to the said Board; and the Guardians by whom any Child may have been sent to any such School as aforesaid may from Time to Time appoint any one of their Body to visit and inspect such School, and such School shall at all reasonable Times be open to such Visitation or Inspection.

Guardians to bring back Child to Parish or Union.

5. The Guardians may at any Time, at their Discretion, and shall, upon the Requisition of the Managers of the School, or upon the Withdrawal of the Certificate, as herein provided, cause any such Child to be removed from any such School, and brought back to their Parish or Union.

Description of Child to be sent to School.

6. No Child shall be sent to such School unless he or she be an Orphan, or deserted by his or her Parents or surviving Parent, or be One

One whose Parents or surviving Parent shall consent to the sending of such Child to the said School.

7. Nothing herein contained shall enable the Guardians to keep any Child in any School against the Will of such Child, if above the Age of Fourteen, or of the Parents or surviving Parent of such Child, whatever be the Age of the Child.

Continuance in School not to be compulsory.

8. The Expenses incurred by the Guardians in respect of any Child under this Act shall be charged to the same Fund and in the same Manner as the Relief otherwise supplied to such Child would be charged.

Charge of Expenses how to be borne.

9. No Child shall be sent under this Act to any School which is conducted on the Principles of a Religious Denomination to which such Child does not belong.

Child not to be sent to certain Schools herein named.

10. The several Words used in this Act shall be construed as in the Act of the Fourth and Fifth Years of *William* the Fourth, Chapter Seventy-six; and the Word "School" shall extend to any Institution established for the Instruction of blind, deaf, dumb, lame, deformed, or idiotic Persons, but shall not apply to any certified Reformatory School.

Interpretation of "School."

11. This Act shall not extend to *Scotland* or *Ireland*.

Extent of Act.

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CAP. XLIV.

An Act to amend the Law relating to the giving of Aid to discharged Prisoners.

[17th *July* 1862.]

WHEREAS by the Thirty-ninth Section of an Act passed in the Session holden in the Fourth Year of King *George* the Fourth, Chapter Sixty-four, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales, and herein-after referred to as "the Gaol Act," it is provided that it should be lawful for any One or more of the Visiting Justices of any Prison to which that Act extended, from whence any Prisoner should be discharged, to direct that such moderate Sum of Money should be given and paid to any and every such Prisoner so discharged who should not have the Means of returning to his or her Family or Place of Settlement, or resorting to any Place of Employment or honest Occupation, as, in the Judgment of such Justice or Justices, should be requisite and necessary for such Purpose, under all the Circumstances attending the Case of any such Prisoner; and that such Sum of Money should be paid by the Keeper of such Prison, to or for the Use of such Prisoner for the Purpose aforesaid, and that all such Sums should be provided for, either out of such Bequests or Bene-

4 G. 4. c. 64. (1823.)

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factions as therein mentioned, or in such Manner as is by the Gaol Act directed with respect to the Expense of the Support and Maintenance of the Prisoners in the Prisons to which such Act extends: And whereas divers Societies, herein-after referred to as "Discharged Prisoners Aid Societies," have been formed in divers Parts of *England*, by Persons subscribing voluntarily, for the Purpose of finding Employment for discharged Prisoners, and enabling them by Loans and Grants of Money to live by honest Labour: And whereas it is expedient that Power should be given to the Visiting Justices of Prisons to give Aid under the said Act to discharged Prisoners through the Medium of a Discharged Prisoners Aid Society, in Cases where such Society has been previously certified by the Justices having Jurisdiction over such Gaol or House of Correction, at some Court of General or Quarter Sessions, or at some Quarterly Sessions held by them, to be a Society approved of by them: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Justices to grant Certificates of Approval of Prisoners Aid Societies;

and to revoke or suspend the same.

1. The Justices having Jurisdiction over any Gaol or House of Correction to which the Gaol Act extends may, at any Court of General or Quarter Sessions, or at any Quarterly Sessions, upon the Application of any One or more Member or Members of a Prisoners Aid Society, and after examining the Rules of such Society, and receiving such Evidence as they think fit as to the Condition of such Society, issue a Certificate under the Hand of their Chairman to the Effect that such Society is approved of by them for the Purposes of this Act; and they may, at any future Court of General or Quarter Sessions, or at any future Quarterly Sessions, upon due Cause shown, by a Writing under the Hand of their Chairman, revoke or suspend such Certificate; and any Society in respect of which such Certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such Privileges as are herein-after mentioned.

Relief may be afforded by "Certified Prisoners Aid Society."

2. Where a Prisoner is discharged from any Prison to which the said Gaol Act extends, the visiting Justices of such Prison, instead of directing that such moderate Sum of Money shall be paid by the Keeper of such Prison to or for the Use of such Prisoner for the Purpose aforesaid, may if they think fit direct that such Sum, not exceeding in any Case Two Pounds, shall be paid to the Treasurer of a certified Prisoners Aid Society on their receiving from such Society an Undertaking in Writing, signed by the Secretary thereof, that the same shall be applied for the Benefit of such Prisoner: Provided that if it shall not be possible for the Society so to apply such Sum for the Benefit

Benefit of such Prisoner, the same or so much thereof as shall not have been so applied shall be applied by such Society for the Benefit of such other Prisoner or Prisoners discharged from the said Gaol as the said Visiting Justices shall direct.

Funds out of which Repayments provided.

3. All Sums paid to a certified Prisoners Aid Society under this Act shall be provided for out of the same Funds and in the same Manner as is by the said Gaol Act directed with respect to the Sums therein authorized to be given or paid as herein-before recited to discharged Prisoners.

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Power to appoint Receivers of Lands after absolute Order for Sale.

3. When the Commissioners shall have made an absolute Order for the Sale of any Lands under these Acts, they shall have the same Powers of appointing a Receiver or Receivers of such Lands, or any Part thereof, as the Court of Chancery in *England* has of appointing a Receiver of the Rents and Profits of any Lands within the Jurisdiction of such Court in a Suit relating to such Lands, and the Receiver or Receivers so appointed shall from the Date of such Appointment have and possess all the Powers, Authorities, Rights, and Privileges which Receivers appointed by the Court of Chancery in *England* have in respect of the Lands over which they are appointed Receivers, subject to such general Rules as the Commissioners in *England* shall from Time to Time make under the Principal Act.

Security by and Remuneration of Receivers.

4. Every Receiver so appointed by the Commissioners shall give such Security for the due Performance of his Office as the Commissioners shall require, and shall be entitled to such Remuneration by Salary, Commission, or otherwise, as the Commissioners shall direct, subject to such general Rules as the Commissioners in *England* shall from Time to Time make under the Principal Act, and the Balance, due to such Receiver in respect of such Salary, Commission, or other Remuneration, or in respect of such Sums as he may have properly expended in the Management and Cultivation of such Lands, shall be a Charge on such Lands in priority to all Incumbrances thereon.

Fees and Commissions.

5. It is hereby declared that the Term "Fees" in the Thirteenth Section of the Principal Act includes as well fixed Payments or Charges in respect of Proceedings under these Acts, as also Commissions or Per-centages on the Amount of the Purchase Monies of Lands sold under these Acts.

Provision as to Acts coming into operation.

6. Where Her Majesty, by Order in Council, has directed or shall direct the Principal Act, or the Principal Act and the First Amendment Act, to come into operation in any of the Colonies mentioned in the Schedule to the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty, praying Her Majesty to issue such Order, then and in every such Case such Order and such Address respectively shall apply and be construed to apply as well to this Act as to the Principal Act, or as to the Principal Act and the First Amendment Act (as the Case may be).

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Chancery Regulation (Ireland).

Provisions should be made for the Court of Chancery in *Ireland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited and referred to as "The Chancery Regulation (*Ireland*) Act, 1862."

Interpretation of Terms.

2. The Words "High Court of Chancery," "Court of Chancery," and "Court," when used in this Act, shall mean and include the Lord Chancellor, the Master of the Rolls, and any Master in Chancery, or any Judge or Judges by whom any Cause, Cause Petition, or Matter depending in the Court of Chancery in *Ireland* may, by the Law and Practice of that Court, be now or at any Time hereafter heard.

Court shall determine every Question of Law and Fact incident to the Relief sought.

3. In all Cases in which any Relief or Remedy within the Jurisdiction of the Court of Chancery in *Ireland* is or shall be sought in any Cause, Cause Petition, or Matter instituted or pending in that Court, and whether the Title to such Relief or Remedy be or be not incident to or dependent upon a legal Right, every Question of Law or Fact cognizable in a Court of Common Law, on the Determination of which the Title to such Relief or Remedy depends, shall be determined by or before the same Court.

Where Questions of Fact may be more conveniently tried at Assizes, Issues may be directed.

4. Provided always, That whenever it shall appear to the Court that any Question of Fact may be more conveniently tried by a Jury at the Assizes, or at any Sitting in the County of *Dublin* or in the County of the City of *Dublin* for the Trial of Issues in the Superior Courts of Common Law, it shall be lawful for such Court, notwithstanding anything in this Act contained, to direct an Issue to try any Question of Fact at the Assizes to be held in and for any County where the same may be conveniently tried, or at any such Sitting for the Trial of Issues in the County or City of *Dublin* as aforesaid; and (subject to such General Orders, if any, as may hereafter be made in relation thereto,) the Practice hitherto existing in such Court in reference to the Trial of Issues shall prevail in reference to the Trial of any Issues directed under this Proviso.

Provisions of 21 & 22 Vict. c. 27. to apply to this Act.

5. All the Provisions with reference to the Trial of Questions of Fact by or before the High Court of Chancery in *Ireland*, which are contained in "The Chancery Amendment Act, 1858," shall apply to the Determination of Questions of Fact by or before the said Court under this Act.

6. Pro-

6. Provided also, That in all Cases in which the Object of any Suit in Equity shall be to recover or to defend the Possession of Land under a legal Title, or under a Title which would have been legal but for the Existence of some outstanding Term, Lease, or Mortgage (and whether Mesne Profits or Damages shall or shall not also be sought in such Suit), such Relief only shall be given in Equity as would have been proper according to the Rules and Practice of the Court if this Act had not passed; and nothing in this Act shall make it necessary for a Court of Equity to grant Relief in any Suit concerning any Matter as to which a Court of Common Law has concurrent Jurisdiction, if it shall appear to the Court that such Matter has been improperly brought into Equity, and that the same ought to have been left to the sole Determination of a Court of Common Law.

Proviso in Cases where Object of Suit to recover or defend Possession of Land under a legal Title.

7. Nothing in this Act contained shall alter or affect the Power of the High Court of Chancery, or the Court of Appeal in Chancery in *Ireland*, to sit with the Assistance of a Judge of any of Her Majesty's Courts of Common Law.

Court of Chancery may sit with Assistance of Common Law Judge.

8. Nothing in this Act contained shall, except in the Cases and to the Extent herein-before specially provided, be deemed in any Manner to vary, alter, or affect the Law, Practice, or Procedure of the High Court of Chancery in *Ireland* as to any Cause, Cause Petition, or Suit or Matter depending in that Court or the Hearing or Disposal of the same; and in Cases to which the Provisions of this Act apply all Orders and Decrees made by the Court, whether involving the Determination of a legal Right or otherwise, shall be subject to Re-hearing or Appeal in all respects as any other Decrees or Orders of the Court may now be re-heard or appealed from, subject to the Rules and Regulations as to Re-hearing and Appeal which may from Time to Time be applicable to such Decrees and Orders respectively.

Act not to affect general Practice of Court.

9. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and sixty-two.

Commencement of Act.

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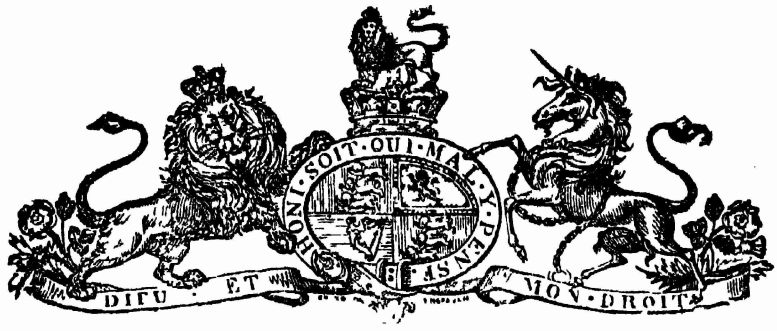

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XLVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

[29th *July* 1862.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Seventeenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures in Schedule may be proceeded with.

Proviso as to Chigwell.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with: Provided always, that the Provisional Order of the Inclosure Commissioners for *England* and *Wales*, dated the Ninth Day of *January* One thousand eight hundred and sixty-two, regarding the Parish of *Chigwell*, shall be and hereby is amended, to the Effect that Fifty Acres at or near the Spot marked

A. on the Plan thereto annexed be allotted for the Purposes of Exercise and Recreation, such Fifty Acres to be contributed by the Lords and Commoners in proportion to the Allotments to be made to them respectively.

Short Title. 2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1862," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Kirkoswald - - -	Cumberland - -	25th April 1861.
Crane Mead and Amwell Marsh	Hertford - -	10th August 1861.
Llanfechell Mountain - -	Anglesey - - -	14th November 1861.
Huntingfield Manor - -	Suffolk - - -	12th December 1861.
Chigwell - - -	Essex - - -	9th January 1862.
Wouldham - - -	Kent - - -	9th January 1862.
Thingwall - - - -	Chester - -	12th December 1861.
Plenmeller Common - -	Northumberland -	15th January 1862.
Barking Common Allotments -	Essex - - -	25th January 1862.
Dagenham Common Allotments	Essex - - -	25th January 1862.

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VICTORIÆ REGINÆ.

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for the Signification of Her Majesty's Pleasure thereon: And whereas by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, intituled *An Act to amend an Act for granting a Representative Constitution to the Colony of* New Zealand, it was enacted, that the Sixty-ninth Section of the said first-recited Act should be repealed, and that it should be lawful for the said General Assembly to alter, suspend, or repeal all or any of the Provisions of the said Act, except certain Sections therein specified: And whereas the said General Assembly, by an Act passed in a Session holden in the Twenty-first and Twenty-second Years of Her Majesty, intituled *An Act to provide for the Establishment of new Provinces in* New Zealand, or, more shortly, "The New Provinces Act, 1858," did authorize the Governor of the said Colony to establish such new Provinces in manner therein mentioned, and the said Governor did establish certain new Provinces accordingly: And whereas Doubts are entertained whether it was competent to the said General Assembly to make such Provision and to the said Governor to establish such new Provinces as aforesaid: And whereas, for the removing of such Doubts, an Act was passed in the now last Session of Parliament, intituled *An Act to declare the Validity of an Act passed by the General Assembly of* New Zealand, *intituled 'An Act to provide 'for the Establishment of new Provinces in* New Zealand:' And whereas it is expedient to repeal the said last-mentioned Act of Parliament, and to make fresh Provision respecting the Establishment of new Provinces in *New Zealand:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 53.

24 & 25 Vict. c. 30.

24 & 25 Vict. c. 30. repealed.

1. The said last-mentioned Act of Parliament shall be and the same is hereby repealed.

"New Provinces Act, 1858," confirmed.

2. The said "New Provinces Act, 1858," (except so far as the same shall have been altered by any Act subsequently passed by the said General Assembly,) shall be and be deemed to have been from the Date of the passing thereof valid and effectual for all Purposes whatever, and all Matters and Things done under and in pursuance of Authority created or given or expressed to be created or given by the same Act shall be deemed to have been of the same Force and Effect as if the said Act and everything therein contained had from the above-mentioned Date been actually so valid as aforesaid.

General Assembly to provide for the Establishment of

3. Subject to the Conditions herein-after mentioned, it shall be lawful for the said General Assembly, by any Act or Acts to be by them from Time to Time passed, to establish or provide for the Establishment of new Provinces in the Colony of *New Zealand*, and to

to alter or to provide for the Alteration of the Boundaries of any Provinces for the Time being existing in the said Colony, and to make Provision for the Administration of any such Provinces, and for the passing of Laws for the Peace, Order, and good Government thereof, and therein to repeal or alter any of the Provisions of the Two first herein-before recited Acts of Parliament relating to such Provinces, or to the Superintendents and Provincial Councils thereof.

new Provinces in New Zealand.

4. It shall not be lawful for the General Assembly to make any Law inconsistent with the following Provisions; that is to say,

General Assembly not to make Laws inconsistent with Provisions herein mentioned.

(1.) In every Province of *New Zealand* there shall be an Officer designated the Superintendent, who, unless any Provision shall be made to the contrary in any Act of the General Assembly, shall be capable of being elected and acting as a Member of the Council of the same Province:

(2.) No Provincial Law shall take effect until it shall have received the Assent in Writing either of the said Superintendent or of the Governor of *New Zealand:*

(3.) In giving or refusing his Assent to any Provincial Law, or in reserving the same for the Signification of the Governor's Pleasure, the Superintendent shall conform to such Instructions in Writing as he may from Time to Time receive from the Governor:

(4.) In case the Superintendent shall assent to any Provincial Law he shall forthwith transmit to the Governor an authentic Copy thereof:

(5.) It shall be lawful for the Governor at any Time after the Date of such Assent, and until the Expiration of Three Months after such authentic Copy of any Provincial Law shall have been received by him, to declare by Proclamation his Disallowance of such Law, and such Disallowance shall make void and annul the same from and after the Day of the Date of such Proclamation or any subsequent Day to be named therein:

(6.) It shall not be lawful for the Council or other Legislative Body of any Province to pass, or for the Superintendent or Governor to assent to, any Bill appropriating any Money to the Public Service, unless the Superintendent or Governor shall first have recommended to the Council to make Provision for the specific Service to which such Money is to be appropriated, and no such Money shall be issued or made issuable except by Warrants to be granted by the Superintendent or Governor:

(7.) It

New Zealand.

(7.) It shall not be lawful for any such Council or other Body as aforesaid to pass, and for the said Superintendent or Governor to assent to, any Law which shall be repugnant to the Law of *England* or to any Enactment of the said General Assembly.

Limitation of Governor's Powers of Assent to Bills.

5. It shall not be competent to the Governor of *New Zealand* to assent to any Bill passed by the Legislature of *New Zealand* which shall repeal or alter any of the Provisions of the Nineteenth Clause of the first herein-before recited Act of Parliament, but the said Governor (unless he shall refuse his Assent to such Bill) shall reserve the same for the Signification of Her Majesty's Pleasure.

Repeal of Parts of Two first-recited Acts.

6. So much of the Two first herein-before recited Acts of Parliament as is inconsistent with the Provisions of this Act is hereby repealed.

Application of Acts to future Provinces.

7. Subject to the Provisions of this Act, and of the said New Provinces Act, the said Two first herein-before recited Acts of Parliament shall apply to all Provinces at any Time existing in *New Zealand*, in like Manner and subject to the same Conditions as the same apply to Provinces established by the first herein-before recited Act of Parliament.

Power to General Assembly to repeal or alter Sect. 73 of 15 & 16 Vict. c. 72.

8. And whereas it is expedient to enable the General Assembly of *New Zealand* to repeal the Seventy-third Section of the first herein-before recited Act of Parliament: Be it further enacted as follows (that is to say): It shall be lawful for the said General Assembly to alter or repeal all or any of the Provisions contained in the said Section; and no Act passed by the said General Assembly, nor any Part of such Act, shall be or be deemed to have been invalid by reason that the same is repugnant to any of the said Provisions.

"Governor."

9. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*.

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VICTORIÆ REGINÆ.

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CAP. XLIX.

An Act to authorize the Completion, after His Royal Highness *Albert Edward* Prince of *Wales* shall attain the Age of Twenty-one Years, of Arrangements commenced during his Minority, under the Provisions of an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands; and for other Purposes.*

[29th *July* 1862.]

WHEREAS by an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands;* 7 & 8 Vict. c. 65.

 and

and for other Purposes, certain Powers of selling, exchanging, and enfranchising Lands Parcel of the Possessions of the Duchy of *Cornwall*, and of purchasing other Lands, are vested in the Council of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, to be exercised during the Minority of His said Royal Highness, with divers Provisions incident thereto or connected therewith: And whereas divers Contracts, Treaties, Arrangements, and Negotiations have been and may hereafter during the Minority of His said Royal Highness be entered into or commenced, under the Powers of the said recited Act, by the Council of His said Royal Highness, which it will not be practicable to complete previously to His Royal Highness attaining the Age of Twenty-one Years, and it is expedient that such Provision should be made in respect thereof as is herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Prince of Wales, on attaining the Age of 21, may complete Contracts, &c. entered into by His Council.

1. That on and after the Ninth Day of *November* One thousand eight hundred and sixty-two it shall be lawful for His Royal Highness *Albert Edward* Prince of *Wales* to complete or to direct the Completion of all Contracts, Treaties, Arrangements, and Negotiations which shall have been entered upon or commenced, but which shall not have been completed, by the Council of His Royal Highness, under the Powers of the herein-before recited Act, previously to the Ninth Day of *November* One thousand eight hundred and sixty-two, and that for this Purpose the Powers and Authorities by the same Act vested in or given to the Council of His said Royal Highness during His Minority shall, on and after the Ninth Day of *November* One thousand eight hundred and sixty-two, be vested in and may be exercised by His said Royal Highness, or in or by such Person or Persons as His said Royal Highness shall from Time to Time appoint, depute, or nominate to act therein on His Behalf.

Provisions of recited Act continued by this Act.

2. The several Provisions in the said recited Act contained incident to or connected with the Exercise of the Powers thereby given shall continue in force and be applicable in all Transactions carried on under the Authority of this Act.

Persons claiming by Deeds made under this Act not bound to prove Deeds so made.

3. Provided always, That no Person claiming under any Deed or Instrument by which any Sale, Enfranchisement, Exchange, or Grant shall be made or purport to be made under the Authority of this Act shall be bound or concerned to inquire whether such Sale, Enfranchisement, Exchange, or Grant is in fact authorized by this Act or not, or whether it is or is not within the Provisions and the true

true Intent and Meaning of this Act, but every Deed or Instrument by which any Sale, Enfranchisement, Exchange, or Grant shall purport to be made under the Authority of this Act shall be good, valid, and effectual, as against His said Royal Highness, His Heirs and Successors, for the Purposes for which the same shall have been executed.

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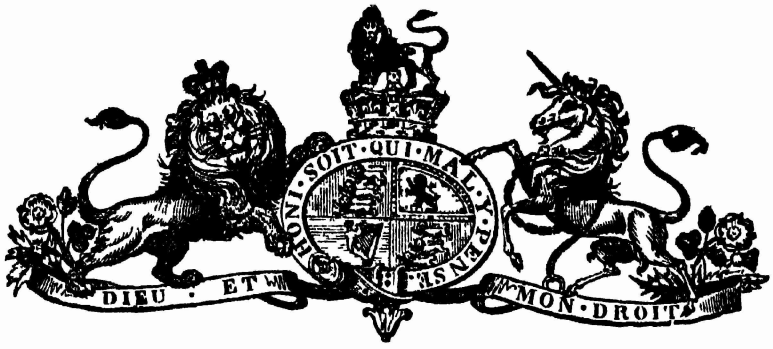

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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able on Summary Conviction in Ireland.

Summary Conviction in *Ireland*, may be prosecuted before any Justice or Justices sitting in Petty Sessions in *Ireland*, or before any Two Justices sitting out of Petty Sessions, (when the Offender shall be unable to procure Bail for his Appearance at Petty Sessions,) or before any Divisional Justice of the Police District of *Dublin* Metropolis; and no Stipendiary Magistrate in *Ireland*, not being a Justice of the Police District in *Dublin* Metropolis, shall have any further or other Jurisdiction than any other Justice of the Peace in respect of any such Offence.

Provisions in 24 & 25 Vict. cc. 96. and 97. relating to Mode of compelling Appearances not to extend to Ireland.

3. The Provisions contained in the One hundred and fifth Section of the said Act of the last Session, Chapter Ninety-six, and in the Sixty-second Section of the said Act of the same Session, Chapter Ninety-seven, relating to the Mode of compelling the Appearance of Persons punishable on Summary Conviction, shall not extend to *Ireland;* and from and after the Commencement of this Act, whenever Information shall be given to any Justice or Justices in *Ireland* that any Person has committed or is suspected to have committed any Offence within the Limits of the Jurisdiction of such Justice or Justices for which such Persons shall be punishable upon a Summary Conviction, all Proceedings as to compelling the Appearance of any Person against whom any such Complaint shall have been made, or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of any Orders relating thereto, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the divisional Police Offices when the Case shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with any special Provisions of this Act.

All such Proceedings, &c. to be subject to Provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

Penalty on stealing Trees, Shrubs, &c. (under the Value of 5*l.*) growing anywhere.

4. Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, or any growing Fruit or Vegetable Production, or any growing cultivated Root or Plant, shall (in case the Value of the Property stolen or the Amount of the Injury done shall not exceed Five Pounds) pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months; and the Offences in this and the following Sections mentioned may be prosecuted summarily before One or more Justices of the Peace, as herein-before mentioned.

5. Any

5. Any Person who shall steal, or damage with Intent to steal, the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or Vegetable Production severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel, (in case the Value of such Article or Articles stolen, or the Amount of the Injury done shall not exceed Forty Shillings,) shall pay to the Party aggrieved the Value of the Property stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months.

Penalty on stealing Trees, Plants, Vegetables, &c., severed from the Soil or Turf Fuel (not exceeding) 40*s.* in Value.

6. Whenever any credible Witness shall prove upon Oath, before a Justice of the Peace, that there is reasonable Cause to suspect that any of the Articles of Property following; that is to say, the Carcase of any Sheep or Lamb, or the Head, Skin, or any Part thereof, or the Fleece of any Sheep or Lamb, has been stolen or unlawfully taken, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Articles of Property; and any Person in whose Possession or on whose Premises any of the said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of the Constabulary or Metropolitan Police Forces when executing any Warrant or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought, that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice to Gaol until the next Day of holding Petty Sessions for the District, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall not account for the same in manner aforesaid, he shall, on Summary Conviction by such Justice or Justices as aforesaid, and at his or their Discretion, either be committed pursuant to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," to be imprisoned for a Term not exceeding Three Months, or be liable to a Fine not exceeding Five Pounds.

Penalty on Persons possessing Carcases of Sheep, &c. without accounting for the same.

7. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person who shall unlawfully dispose of, or retain in his Possession without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge (the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds), shall pay to the Party aggrieved such Compensation as the Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month.

Penalty on Workmen making away with Goods (not exceeding 5*l.* in Value) committed to his Care.

8. Any

Penalty on stealing Poultry (not exceeding 5*s.* in Value).

8. Any Person who shall steal, or injure with Intent to steal, any Turkey, Goose, or other Poultry, (where the Value of such Poultry so stolen or injured shall not exceed Five Shillings,) shall be liable to a Fine not exceeding Twenty Shillings, or to be imprisoned for a Period not exceeding Two Weeks.

Assault Cases may be proceeded with although Party aggrieved declines to prosecute.

9. It shall be lawful for the Justices at Petty Sessions, if they shall so think fit, to proceed against any Person or Persons charged with being guilty of an Assault, pursuant to the Provisions of the Statute Twenty-fourth and Twenty-fifth *Victoria*, Chapter One hundred, Section Forty-two, notwithstanding that the Party aggrieved may decline or refuse to prefer a Complaint.

Summary Jurisdiction in Cases of Assault on Peace Officers and others.

10. And whereas by the Act of the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter One hundred, Section Thirty-eight, certain Assaults therein specified on Peace Officers and others are made Misdemeanors, and punishable with Imprisonment for a Term not exceeding Two Years, with or without Hard Labour, and it is desirable also to give a summary Jurisdiction in petty Cases for the same Offence: Be it enacted, That Two Justices of the Peace shall have a concurrent Jurisdiction to punish such Assaults under the Forty-second Section of the said Act, if they shall consider the Offence so trivial as not to require being dealt with by a superior Tribunal.

Extent of Act.

11. This Act shall extend to *Ireland* only.

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VICTORIÆ REGINÆ.

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Orders in Schedule confirmed, except the Clauses named herein.

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, except that—

The Clause numbered 13 in the *Carrickfergus* Harbour Order,

The Clause numbered 6 in the *Deal* and *Walmer* Pier Order,

The Clause numbered 12 in the *Saint Ives* Harbour Order,

The Clause numbered 4 in the *Mishuish* Pier, *Tobermory*, Order,

And the Clause numbered 20 in the *Hastings* Pier and Harbour Order,

shall be deemed to be and the same are by this Act expunged from the said Orders respectively, which Orders shall, with the Omission of the said several Clauses, be valid and effectual, and be construed as if the same several Clauses had never been inserted therein.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1862.

The SCHEDULE of Provisional Orders.

1. CARRICKFERGUS.—Improvement of the Harbour.
2. DEAL.—Construction of a Pier.
3. OBAN.—Improvement of the Harbour.
4. SAINT IVES.—Improvement of the Harbour.
5. TOBERMORY.—Construction of a Pier.
6. HASTINGS.—Construction of a Pier.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Carrickfergus in the County of the Town of Carrickfergus.

Whereas, under The General Pier and Harbour Act, 1861, the Municipal Commissioners of the Borough of Carrickfergus, as owners of the Port of Carrickfergus, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying for (among other things) a Provisional Order under the said Act for executing the works herein-after mentioned, with power for the said Commissioners to levy and recover rates according to the schedule in the memorial referred to: Preamble.

And whereas the estimated expenditure on the proposed works is Six thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial, and of the plans, sections, and working drawings of the proposed works, at the office of the Clerk of the Peace for the County of the Town of Carrickfergus, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, and the rates then leviable thereat, the average revenue derived at such works for the three years specified in the said Act, the estimated amount of the rates to be levied at the existing works, and also at the proposed works, and the estimated amount proposed to be expended on the works:

And

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Carrickfergus Harbour Commissioners.

Incorporation of Commissioners.

1. The Municipal Commissioners for the Borough of Carrickfergus, and their successors in office, shall be and are hereby, for the purposes of this Order, incorporated by the name of The Carrickfergus Harbour Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

The Undertakers.

2. The Carrickfergus Harbour Commissioners, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order.

Commissioners Clauses Act incorporated.

3. The Commissioners Clauses Act, 1847,—except the following sections thereof, namely, sections 6 to 55 (both inclusive), and 84, 96, 97, and 98,—shall be incorporated with this Order.

Borrowing.

4. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 6,000*l.*

Sinking Fund.

5. In order to create a sinking fund for the discharge of the principal money so borrowed, the Commissioners shall yearly set apart the surplus revenue of the Harbour, and shall deposit the same in some joint stock bank of issue in Ireland, to be increased by accumulation in the way of compound interest or otherwise, until the time when the accumulated fund shall be sufficient to pay off the principal money borrowed, or any such part thereof as the Commissioners

missioners may think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly; but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment as aforesaid.

Re-borrowing.

6. Any money borrowed under this Order and discharged by means of the sinking fund aforesaid shall not be re-borrowed; but any money borrowed and discharged otherwise than by means of such sinking fund may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Receiver.

7. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.*

Money to be applied to purposes of Order.

8. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Taking of Lands.

Power to take specified lands by agreement.

9. For the purposes of this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in Schedule (A.) to this Order annexed.

Lands Clauses Acts incorporated.

10. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

11. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier and Breakwater.

12. The works by this Order authorized comprise the following:—

(1.) A pier on the eastern side of the Harbour, commencing near the landward end of the existing pier or quay, and running in a southerly direction for 600 feet, then with a cant to the westward for 100 feet; the first 350 feet of the pier to be of stone work, the remainder of open pile work;

(2.) A stone breakwater to protect the same, 400 feet in length, lying about 550 feet to the westward of and parallel to the pier, with an easterly cant at the south end;

with a clear width of entrance between the pier and the breakwater of 400 feet.

Rates.

Consent of Commissioners of Woods and Forests.

13. The Commissioners shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions

 and

and regulations as the last-mentioned Commissioners or one of them approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Commissioners shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, at the expense of the Commissioners incorporated by this Order, abate and remove it or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Commissioners incorporated by this Order, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from those Commissioners.

Power to take rates according to Schedule (B.)

14. The Commissioners may demand and receive in respect of the vessels, goods, and things described in Schedule (B.) hereto, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

15. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

Application of rates and moneys received by the Commissioners.

16. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing Harbour, or new works, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise :—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the expenses of the maintenance, management, and regulation of the existing Harbour and new works, and the lands and property connected therewith:

(3.) In paying the interest on any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) In paying the rent of the property described in Schedule (A.) hereto, and in fining down such rent in pursuance of any agreement in that behalf made or to be made:

(5.) As to the surplus revenue of the Harbour, that is to say, so much of the rates and other moneys aforesaid, as may remain after making the several payments before in this provision directed,—in creating a sinking fund in manner before in this Order specified.

General Provisions.

Lifeboats, tide-gauges, &c.

17. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, and 19.

Lands for extraordinary purposes.

18. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

19. The Commissioners shall have the appointment of meters and weighers within the Harbour.

Steam engines, diving bells, lighters, &c.

20. The Commissioners may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order;

Order; and may demand and receive such sums for the use of the same as they may think reasonable.

21. The Commissioners shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities. Pilotage, lights, buoys, and beacons.

22. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Carrickfergus Harbour as altered under this Order. Part V. of 24 & 25 Vict. c. 47. to apply.

23. This Order may be cited as The Carrickfergus Harbour Order, 1862. Short Title.

Board of Trade, Whitehall.
Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULES.

SCHEDULE (A.)

A tenement and premises situate in the Irish quarter of the town of Carrickfergus, known as Wilson's or Barnett's Quay, comprised and particularly described in an agreement dated the 1st day of November 1861, and made between William Davys Duncan Wilson, Esq., of the one part, and the Municipal Commissioners of the Borough of Carrickfergus of the other part.

SCHEDULE (B.)

I.—Rates on Vessels using or entering the Existing Harbour or new Works.

		s.	d.
For every vessel	per register ton	0	2

All pleasure boats, boats entirely open, and fishing boats, exempt.

II.—Rates on Goods shipped or unshipped, received or delivered, within the existing Harbour or at the new Works.

Bricks	per ton	0	1½
Cattle—bulls, cows, oxen, and horses	each	0	1
Cattle—calves, pigs, sheep, and lambs	per score	0	3
Cloverseed	per sack	0	1½
Coals	per ton	0	1½
Deals	per 120	1	0
Flour	per ton	0	1½
Gunpowder	per barrel	0	0½
Iron	per ton	0	1½
Lead	per ton	0	1½
Meal	per ton	0	1½
Salt rock	per ton	0	1
Slates	per ton	0	1½
Stones	per ton	0	1½
Timber of all kinds, except deals	per load of 50 feet	0	2

All

All other Goods, not particularly enumerated above.

		s.	d.
Light goods	per barrel bulk	0	1
Heavy goods	per ton	0	2

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet not exceeding 2½ cwt. to be rated as a barrel bulk; but, when the weight of 5 cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds provided at the existing Harbour or new Works.

1*st. Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	1½
Exceeding 1 ton and not exceeding 2 tons	0	2
Exceeding 2 tons and not exceeding 3 tons	0	3
Exceeding 3 tons and not exceeding 4 tons	0	4
Exceeding 4 tons and not exceeding 5 tons	0	5
Exceeding 5 tons and not exceeding 6 tons	0	6
Exceeding 6 tons	0	7

2*nd. Weighing Machines.*

For goods weighed, 1*d.* for each ton or part of a ton.

3*rd. Shed Dues.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

DEAL.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Deal in the County of Kent.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Deal and Walmer Pier made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier at Deal in the County of Kent, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to:

And whereas the estimated expenditure on the proposed works is twelve thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for

for the County of Kent, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same (with the omission of part thereof) should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the said schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

1. The Deal and Walmer Pier Company, Limited, herein-after called the Company, shall be the undertakers of the works authorized by this Order. **The undertakers.**

2. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works. **Power to take specified lands by agreement.**

3. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses **Lands Clauses Acts incorporated.**

Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

5. The works by this Order authorized comprise the following:—

A pier on iron piles carried out from the South Esplanade, Deal, into the sea to a distance of 920 feet, with a general width of 20 feet, and a width at the head of 40 feet.

Consent of Commissioners of Woods and Forests.

6. The Company shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Company shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the Company, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Power to take rates according to Schedule to this Order.

7. The Company may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

8. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, to, on, along, and from the Pier by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

9. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

10. The Company shall have the appointment of meters and weighers on the Pier.

Steam engines, diving bells, lighters, &c.

11. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

12. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Harbour by this Order authorized.

Short Title.

13. This Order may be cited as The Deal and Walmer Pier Order, 1862.

Board of Trade, Whitehall.
Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHE-

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	d.
For every vessel under the burden of 15 tons	per ton	0	4
For every vessel of the burden of 15 tons, and under 50 tons	per ton	0	6
For every vessel of the burden of 50 tons, and under 100 tons,	per ton	0	8
For every vessel of the burden of 100 tons, and under 150 tons,	per ton	0	10
For every vessel of the burden of 150 tons, and upwards	per ton	1	0
All lighters for any vessel in the roads shall be exempt from rates; but if the vessel do not use the Pier, every lighter shall pay for each trip	per ton	0	2
All boats entirely open, landing or taking on board goods or dried or salted fish	each	0	6
All drave or large boats using the pier with fresh fish	each	0	4

II.—Rates on Goods shipped or unshipped at the Pier.

Ale	per hogshead	0	6
Ale (bottled)	per barrel bulk	0	3
Anchor	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	1	0
Bedding (seaman's)		0	3
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Blubber	per ton of 252 gallons	1	0
Bone dust	per ton	0	8
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Butter	per barrel	0	4
Casks (empty), not being returned packages	per puncheon	0	3
Other casks in proportion.			
Cattle:			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	4
Chimney cans	per 100	1	4
Clay (fire, manufactured)	per ton	0	6
Clay (common)	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:			
Chaises and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coals (Scotch, English, smithy, and culm)	per ton	0	3
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn:			
Wheat and malt	per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2

		s.	d.
Dissolved bones and other artificial manures	per ton	0	8
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish (dried and salted)	per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Flour	per barrel	0	1½
Fruit	per bushel or sieve	0	2
Glass	per barrel bulk	0	3
Groceries, viz.:			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8
Gunpowder	per barrel	0	3
Hams, bacon, or tongues	per cwt.	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	4
Herrings (fresh)	per cran	0	1
Herrings (cured)	per barrel	0	3
Hides:			
Ox, cow, or horse (salted or dried)	per ton	1	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5
Hoops of wood	per 1,500	1	0
Household furniture (new)	per barrel bulk	0	1
Household furniture (belonging to parties changing their residences only)	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Husbandry utensils	per barrel bulk	0	2
Iron:			
Bar, bolt, and rod	per ton	1	4
Pig and old	per ton	0	8
Manufactured, cast, and wrought	per cwt.	0	2
Chain cables	per ton	1	4
Kelp	per ton	0	8
Lead (all kinds)	per ton	1	4
Leather (tanned and dressed)	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manure (street)	per ton	0	2
Masts and spars, 10 inches in diameter and upwards	each	4	6
Under 10 inches	each	3	0
Meal	per bag of 280 lbs.	0	2
Meat (fresh)	per ton	1	4
Meat (fresh)	per barrel	0	2
Milk	per 3 large pitchers	0	0½

		s.	d.
Musical instruments	per barrel bulk	0	3
Oils	per ton	1	0
Ores:			
Copper, iron, lead, and other ores	per ton	0	8
Oysters	per bushel	0	3
Passengers' luggage, not exceeding 4 barrels bulk, free. All above 4 barrels bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Porter (bottled)	per barrel bulk	0	2
Potatoes	per ton	0	6
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags (linen)	per ton	1	4
Other rags, old rope, and the like	per ton	0	10
Rape cakes	per ton	0	8
Salt	per ton	0	10
Seeds:			
Flax and rape	per hogshead	0	6
Flax	per barrel	0	3
Flax, in bulk	per quarter	0	2
Clover	per ton	1	4
Garden	per ton	1	4
Hemp and canary	per ton	1	4
Rye grass	per 8 bushels	0	2
Shrimp baskets	each	0	2
Skin, seal	per 120	0	8
Slates, under size	per 1,000	0	6
Sizeable	per 1,000	0	10
Over size	per 1,000	1	4
Spirits (Foreign and British)	per hogshead of 56 gallons	0	8
Stones:			
Rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3
Pavement not exceeding 3 inches thick	per 70 feet	0	4
Pavement above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	1
Mill stones	each	0	8
Steel	per ton	1	4
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles (roofing)	per 1,000	0	9
Tiles or pipes for draining	per 1,000	0	8
Tin of all kinds	per ton	1	4
Tobacco	per ton	2	6
Treenails, under 2 feet in length	per 1,000	0	6
Treenails, exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	2
Whalebone	per ton	2	6
Wine	per hogshead	0	8

		s.	d.
Wine (bottled)	per barrel bulk	0	4
Wood:			
Fir, pine, and other descriptions not enumerated	per load of 50 feet	0	10
Oak or wainscot	per load of 50 feet	1	0
Firewood	per fathom	0	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	2	6
Spars, 2½ inches in diameter and under	per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Exceeding 2 feet in length	per 120	0	6
Wedges	per 1,000	1	0
Pipe staves, and others in proportion	per standard hundred	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

All other Goods not particularly enumerated in the above Table.

Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of 5 cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st. *Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton, and not exceeding 2 tons	0	4
Exceeding 2 tons, and not exceeding 3 tons	0	6
Exceeding 3 tons, and not exceeding 4 tons	0	8
Exceeding 4 tons, and not exceeding 5 tons	0	10
Exceeding 5 tons, and not exceeding 6 tons	1	0
Exceeding 6 tons, and not exceeding 7 tons	1	2
Exceeding 7 tons, and not exceeding 8 tons	1	4
Exceeding 8 tons, and not exceeding 9 tons	1	8
Exceeding 9 tons, and not exceeding 10 tons	2	0
Exceeding 10 tons	3	0

2nd. *Weighing Machines.*

For goods weighed, for each ton or part of a ton	0	1

3rd. *Shed Dues.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier

	s.	d.
for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day, per package - -	0	2

IV.—Rates on Passengers landing on or embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding -	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of, any boat or vessel used for pleasure only, for each and every time, any sum not exceeding - -	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - - -	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Deal or parish of Walmer, and using the said Pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - -	1	0	0

OBAN.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Oban in the County of Argyll.

Whereas, under The General Pier and Harbour Act, 1861, the Most Honourable John Marquess of Breadalbane made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, representing that the Pier at the Harbour of Oban, in the County of Argyll, belonging to him, was constructed by his predecessors at their own expense, and that the same being now inadequate to the wants of the community, he is desirous to execute additional works at the said Pier and Harbour under the authority of the said Act: Preamble.

And whereas the estimated expenditure on the proposed works is one thousand three hundred and forty pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works with the Sheriff Clerk of the County of Argyll, at Inverary, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

The Undertaker.

1. The said John Marquess of Breadalbane, or the proprietor of the said Pier for the time being, shall be the Undertaker of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Undertaker may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Undertaker may, on the lands taken by him under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Time for completion of works.

5. The time for the completion of the works authorized by this Order shall be two years after the passing of an Act confirming this Order.

Rates, Lifebouts, &c.

6. The provisions of The Harbours, Docks, and Piers Clauses Act, 1847, with respect to rates and to the collection and recovery of rates, and sections 16, 17, 18, and 19 of that Act, shall not be incorporated with this Order.

Custom House Officers exempt from rates.

7. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

8. Nothing in this Order shall be deemed to enable the Undertaker to purchase, or to enable any person to sell or convey to the Undertaker, for extraordinary purposes, lands exceeding in extent in the whole two acres.

Meters and weighers.

9. The Undertaker shall have the appointment of meters and weighers on and within the Pier and Harbour.

Short Title.

10. This Order may be cited as The Oban Harbour Order, 1862.

Board of Trade, Whitehall.

Dated this 19th day of May 1862. (Signed) T. H. Farrer,
Assistant Secretary.

SAINT IVES.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Saint Ives in the County of Cornwall.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, the Saint Ives Harbour Commissioners made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, and thereby to empower such Commissioners (among other things) to make and maintain a pier and other accommodation connected therewith at Saint Ives, in the County of Cornwall, and to take land on lease or otherwise by agreement to an extent to be limited in such Order, and to levy and recover rates at such works not exceeding the amounts specified in the Schedule of rates thereto annexed, and to raise money for the purposes of such works, and thereby also to regulate the borrowing powers of such Commissioners, and therein to specify such terms and conditions to be observed by such Commissioners for the formation, management, and maintenance of such works as to the Board of Trade might seem fit:

And whereas the estimated expenditure on the proposed works is twenty thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Cornwall, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, the probable or estimated amount of the rates to be levied at the existing works, and also at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas a certain objection to the said schedule was forwarded in writing to the Board of Trade within the time in the said Act limited in this behalf:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objection aforesaid as they deemed expedient:

And whereas the said Schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objection aforesaid, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Commissioners.

The Undertakers. (16 & 17 Vict. c. cxxix.)

1. The Saint Ives Harbour Commissioners, constituted by The Saint Ives Harbour Act, 1853, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order.

Commissioners Clauses Act incorporated.

2. The Commissioners Clauses Act, 1847, except section 54, shall be incorporated with this Order.

Borrowing.

3. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 25,000*l.*

Sinking Fund.

4. The sum to be yearly set apart as a sinking fund for the purposes and according to the provisions of section 84 of The Commissioners Clauses Act, 1847, shall be one-fiftieth part of the sums so borrowed.

Re-borrowing.

5. Any money borrowed under this Order and discharged by means of the sinking fund shall not be re-borrowed, but any money borrowed and discharged by any means other than the sinking fund may be re-borrowed, and so toties quoties.

Receiver.

6. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.*

Money to be applied to purposes of Order.

7. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Taking of Lands.

Power to take specified lands by agreement.

8. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the

the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

9. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order. Lands Clauses Acts incorporated.

Works.

10. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. Power to make works.

11. The works by this Order authorized comprise the following:— Description of Pier.

A pier 600 feet in length, running 540 feet below high-water mark, in a south-easterly direction, into a depth of water of 30 feet at time of high-water, and of 6 feet at time of low-water.

12. The Commissioners shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the last-mentioned Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Saint Ives Harbour Commissioners shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, at the expense of the Saint Ives Harbour Commissioners, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Saint Ives Harbour Commissioners, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from them. Consent of Commissioners of Woods and Forests.

13. The now existing pier shall not be removed until the pier by this Order authorized to be made is completed to the extent of 400 feet in length. Restriction on removal of existing Pier.

Rates.

14. The Commissioners may demand and receive in respect of the vessels, goods, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified. Power to take rates according to Schedule to this Order.

15. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment. Custom House Officers exempt from Rates.

16. Subject to the provision, in the prescribed manner, of a sinking fund for the discharge of any principal money borrowed under this Order, the Commissioners shall apply the rates received by them under this Order, and all other Application of Rates and other moneys received under Order.

moneys

moneys coming to their hands under or by virtue of the same, for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of and connected with the preparation and making of this Order:

(2.) In paying to the Mayor, Aldermen, and Burgesses of the Borough of Saint Ives the sum of 25*l.* on the 2nd day of February in each year:

(3.) In making, maintaining, and regulating the Harbour and the Pier and works authorized by this Order:

(4.) In paying the interest on any money borrowed under this Order, and any principal money payable on account thereof.

General Provisions.

Incorporation of parts of 16 & 17 Vict. c. cxxix.

17. The following provisions of The Saint Ives Harbour Act, 1853, shall be incorporated with this Order, as if they were repeated in terms in this Order, with the substitution of the term "this Order" for the term "this Act," namely, sections 23, 33 (as far as it defines the limits of the Harbour), 35, 40, 44, 48, 52, 54, 55, 56, and 57.

Lands for extraordinary purposes.

18. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

19. The Commissioners shall have the appointment of meters and weighers on and within the Pier and Harbour.

Short Title.

20. This Order may be cited as The Saint Ives Harbour Order, 1862.

Board of Trade, Whitehall.

Dated this 19th day of May 1862. (Signed) T. H. Farrer, Assistant Secretary.

SCHEDULE.

I.—Rates for Vessels entering or using the Harbour.

	s.	d.
For each sein boat or dipper used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of	3	0
For each tow boat used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - -	1	6
For each follower used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - -	1	0
For every drift boat (being boats generally used for deep-sea fishing) belonging to the Harbour of Saint Ives, above the size of five tons, per ton per annum, to be considered as due on first using the Harbour after the first day of March in each year - -	1	0
For every tackler or other boat not exceeding the size of five tons (not being a sein boat, dipper, tow boat, follower, ship's boat, or punt,) belonging to the Harbour of Saint Ives, per annum, to be considered as due on first using the Harbour after the first day of March in every year - - - - - -	5	0
For every vessel (other than those herein-before specifically mentioned, entering the Harbour, for every ton register measurement thereof -	0	2
And if the same shall remain in the Harbour more than two months continuously, then for every month or part of a month during which the same shall remain in the Harbour after the first two months the further sum per ton register measurement of -	0	0½

II.—RATES FOR GOODS SHIPPED OR UNSHIPPED, RECEIVED OR DELIVERED, IN THE EXISTING HARBOUR OR AT THE NEW PIER.

		s.	d.
Acid water, acid vegetable, or mineral	per pipe	1	0
Ditto ditto	per hogshead	0	6
Ditto ditto	per firkin	0	3
Ditto ditto	per jar	0	2
Acorns	per ton of forty bushels	1	0
Ale, beer, or porter	per butt or pipe	1	0
Ditto	per hogshead	0	6
Ditto	per barrel	0	3
Ditto	per kilderkin	0	1½
Ditto	in bottles, per dozen	0	1
Alabaster	per ton	1	0
Alkanet root	per cwt.	0	4
Alum	per cwt.	0	2
Almonds	per cwt.	0	3
Aloes	per cwt.	0	4
Amber	per cwt.	0	4
Ambergris	per cwt.	1	0
Anacardium, or the cashew nut	per bushel	0	1
Anchors	per cwt.	0	1
Anchovies	per barrel	0	2
Angelica	per cwt.	0	3
Animals, stuffed	each	0	6
Annatto	per cwt.	0	4
Anniseeds	per cwt.	0	3
Antimony	per cwt.	0	3
Anvils	per cwt.	0	1
Apples or pears	per cwt.	0	3
Arrow root and powder	per cwt.	0	3
Arsenic	per ton	1	0
Ashes, barilla	per cwt.	0	1
Pearl and pot	per cwt.	0	2
Black	per cwt.	0	1
Bleaching	per cwt.	0	2
Common Irish	per cwt.	0	1
Soda	per cwt.	0	1
Asphaltum	per cwt.	0	1
Bacon or pork	per cwt.	0	2
Bagging	per cwt.	0	4
Ballast	per ton register measurement of vessel	0	1
Bark, tanners, chopped	per ton	1	0
Ditto, rinds, not ground	per ton	1	0
Angustina	per cwt.	0	4
Birch and larch	per ton	1	0
Quercitron	per ton	2	0
Sassafras	per cwt.	0	4
Winteranus	per cwt.	0	4
Baskets	per dozen	0	1
Basket rods	per thousand	0	3
Bass rope	per cwt.	0	2
Bedposts, mahogany	per set	0	6
Others	per set	0	4
Beef or pork	per tierce	0	6
Ditto	per barrel	0	4
Ditto	per half barrel and smaller package	0	2
Beehives	per dozen	0	2
Beer, spruce	per barrel of 32 gallons	0	8

		s.	d.
Bell metal	per cwt	0	2
Bellows, smiths	each	0	6
Bellows, common	per dozen	0	6
Berries, bay	per cwt.	0	1
Juniper	per cwt	0	1
Yellow	per cwt.	0	1
Biscuit or bread	per cwt.	0	2
Blacking	per cwt.	0	2
Blackjack	per ton	0	4
Blocks, heel	per gross	0	2
Last	per dozen	0	1
Ship	per dozen	0	1
Blubber	per cwt.	0	1
Blue	per cwt.	0	2
Bobbins	per cask	1	0
Bone dust	per quarter	0	2
Bones	per ton	1	6
Books	per cwt.	0	4
Borax	per cwt.	0	2
Bottles, loose, empty	per gross	0	2
In baskets or carboys	full	0	6
Bowls of wood	per dozen	0	2
Boxes, iron, for wheels	per cwt.	0	1
Bran	per ton	1	0
Brandy	per hogshead	1	6
Ditto	(in transitu)	1	0
Brass, new	per cwt.	0	2
Old	per cwt.	0	1
Bricks, common	per thousand	1	0
Fire	per thousand	2	0
Scouring	per thousand	1	6
Slabjacks	per dozen	0	1½
Brimstone	per cwt.	0	1
Bristles	per 12 lbs.	0	1
Brooms, birch	per gross	0	2
Brooms and brush handles	per gross of 12 dozen	0	6
Brush heads and stocks	per hundred	0	1
Brushes, hair, rush, or whalebone	per dozen	0	2
Bugles and beads	per cwt.	0	3
Bullion	per package	1	0
Bullrushes	per bundle	0	1
Butter	per cask	0	3
"	per firkin	0	1½
"	per pot	0	1
Cakes, linseed or rape	per cwt.	0	1
Calamine	per cwt.	0	1
Calaminaris, lapis	per cwt.	0	1
Calves velves	per cwt.	0	3
Camphor	per cwt.	0	6
Candles, tallow	chest of 14 dozen	0	6
" "	half chest	0	3
" wax	per 12 lbs.	0	1
Canella alba	per cwt.	0	4
Canes	per bundle	0	6
Cantharides	per cwt.	1	0
Canvass	per bolt	0	1
Caoutchouc	per cwt.	0	4
Capers	per cwt.	0	6

		s.	d.
Capillaire	per 100 gallons	1	0
Carboys, empty	each	0	1
Cards, wool	per dozen	0	1
Carriages or coaches	each	10	6
Gigs	each	5	0
For guns	each	1	6
Carts	each	2	6
Hand	each	1	0
Casks, empty	per ton, not returned	0	2
Cassia buds	per cwt.	0	6
Fistula	per cwt.	0	4
Cattle; viz.:			
Asses and mules	each	1	0
Bulls, cows, and oxen	each	1	6
Calves and lambs	each	0	6
Horses	each	2	0
Pigs or sheep	each	0	6
Sucking pigs	each	0	3
Cavaire	per cwt.	0	2
Cement	per cwt.	0	1
Chairs, not mahogany	per dozen	2	0
Mahogany	per dozen	2	6
Chalk	per ton	0	2
Charcoal	per pack	0	1
Cheese	per cwt.	0	2
Chesnuts	per bushel	0	1
Chimney pots (earthenware)	each	0	1
China	per hogshead	1	6
"	per tierce	1	0
Chirt stones	per ton	0	6
Cocoa	per cwt.	0	3
Chocolate	per cwt.	0	3
Cider or perry	per hogshead	0	6
In bottles	per dozen	0	1
Cinnabar	per cwt.	0	9
Cinnamon	per cwt.	1	0
Citron preserves	per cwt.	0	4
Clay, pipe and potters	per ton	0	2
China	per ton	0	3
Cloth	packs not exceeding 1 cwt.	0	4
Linen or woollen, bale, pack, or truss	per cwt.	0	4
Cloths, linen, woollen, or cotton, in boxes	per foot	0	1
Clocks	per dozen	2	0
Wood	per dozen	1	0
Clog soles	per gross	0	6
Clover seed	per cwt.	0	3
Cloves	per cwt.	1	0
Coals (besides bushelage)	per ton	0	3
Cobalt	per ton	1	0
Ore	per ton	0	4
Coculus indicus	per cwt.	0	4
Cocoa nuts	per 100	0	2
Coffee	per cwt.	0	3
Colouring for potter	per barrel of 36 gallons	0	6
Columbo root	per 100	0	4
Copper	per cwt.	0	1
Ore	per ton	0	4
Furnaces	per twenty gallons	0	2

		s.	d.
Copperas, barrel or bag	per cwt.	0	2
Coral	per cwt.	2	0
Cordage	per cwt.	0	1
Cordials	per case of 1 dozen	0	1
"	per hogshead	1	0
Corks	per 10 gross	0	2
Cork	per cwt.	0	3
Corn, viz.:			
Wheat	per quarter	0	2
Barley	per quarter	0	1
Oats	per quarter	0	1
Flour	per sack of 280 pounds	0	2½
Ditto	per barrel	0	2
Bere and bigg	per quarter	0	2
Barley meal	per bag	0	2
Indian corn	per quarter	0	1
Ditto meal	per bag	0	1
Oatmeal	per bag	0	1
Beans and peas	per quarter	0	2
Rye	per quarter	0	1
Cotton, raw	per cwt.	0	3
Cradles	each	0	2
Crease, earthenware	per dozen	0	0½
Cranberries	per five gallons	0	1
Cream of tartar	per cwt.	0	4
Crystal	per box or package	0	6
Cubebs	per cwt.	0	6
Culm	per ton	0	3
Currants	per butt	1	6
Dates	per cwt.	0	3
Dogs, and other animals not enumerated	each	0	6
Down, eider	per cwt.	0	9
Drugs, in casks, hampers, or boxes	at per foot	0	1
Dyers stuff	per cwt.	0	4
Earth, black	per ton	1	0
Brown	per ton	1	0
Fullers	per ton	1	0
Red	per ton	1	0
Yellow	per ton	1	0
Earthenware, coarse, in bulk	per potters dozen	0	3
In crates	at per foot	0	0¼
Eggs	per gross of twelve dozen	0	1
Emery	per cwt.	0	2
Stones	per cwt.	0	1
Empty bags and sacks (not returned)	per cwt.	0	2
Epsom salts	per cwt.	0	2
Essence of lemons and limes	per hundred pounds	2	0
Essential oils	per cwt.	0	9
Euphorbium	per cwt.	0	4
Feathers	per cwt.	0	6
Felt	per cwt.	0	1
Figs	per cwt.	0	2
Filtering stones	each	0	1
Fish, fresh	per cwt.	0	1
Pilchards, cured	per hogshead	0	3
Herrings, cured	per barrel	0	4
other cured fish (not before specified)	per cwt.	0	1
Flag stones	per hundred feet	1	2

		s.	d.
Flax, rough	per ton	1	8
	per dozen hanks	0	1
Floor cloth	per cwt.	0	4
Flower roots, plants, or trees, in packages	at per foot	0	1
Free stones	per ton	1	2
Fruit, green or dry	per cwt.	0	1
Furniture, household, cases	at per cubic foot	0	1
Fuel, patent	per ton	0	4
Flock	per bag	0	3
Galbanum	per cwt.	0	4
Guano	per ton	1	0
Gallangal	per cwt.	0	4
Galls	per cwt.	0	4
Gates, iron or wood	each	0	2
Gentian root	per cwt.	0	4
Ginger	per cwt.	0	3
Gingerbread	per box	0	4
Ginseng	per cwt.	0	4
Glass	per crib, slide, or case	0	6
Glauber salts	per cwt.	0	2
Glue	per cwt.	0	1
Grapes	per barrel or per jar	0	2
	per half barrel or box	0	1
Granite	per ton	0	2
Grates or stoves	per foot	0	2
Gravel or sand	per ton	0	2
Grease or greaves	per cwt.	0	1
Groats	per cwt.	0	2
Gums	per cwt.	0	4
Gunpowder	per 100 lbs.	0	3
Haberdashery and hosiery in bales	per cwt.	0	4
Ditto ditto in boxes	per foot	0	1
Hair, tanners	per cwt.	0	2½
Bull, cow, ox, goat, and horse	per cwt.	0	3
Hams	per cwt.	0	2
Hanks for sails	per dozen	0	0½
Hardware	per cwt.	0	2
Harrows	each	0	4
Hats	per box, per foot	0	1
Hay	per load or ton	0	6
Hay rakes	per dozen	0	2
Hemp	per ton	1	8
Hides, wet or dry	for every 100 in number	3	6
Hide fleshings	per cwt.	0	2½
Roundings or glue pieces	per cwt.	0	2½
Honey	per gallon	0	1
Hoofs	per cwt.	0	1
Hoops for mast, or white hoops	per dozen	0	1
per load	per load	1	0
Hops	per bag	1	0
	per pocket	0	6
	per end	0	3
Horns, ox and cow, each	per 100	0	4
Hurdles	per dozen	0	2
Indigo	per cwt.	1	6
Iron	per ton	1	0
Iron hoops	per cwt.	0	1
Iron horseshoes	per cwt.	0	1

		s.	d.
Iron Ploughshares	per cwt.	0	1
Stamp heads	per ton	1	0
Furnaces	at per 20 gallons	0	1
(Cast) hollow ware	per cwt.	0	3
Ore	per ton	0	4
Wire and nail rods	per cwt.	0	1
Irons, Bakers, and Pudding Pans	per cwt	0	1
Patten	per gross	0	6
Isinglass	per cwt.	0	6
Ivory	per cwt.	1	0
Black	per cwt.	0	1
Jack screws	per pair	0	6
or fishing lines	per dozen	0	1
Junk or old rope	per cwt.	0	1
Kelp	per ton	0	6
Lac, gum, stick, seed, and shell	per cwt.	0	4
Ladles	per gross	0	6
Lamp black	per cwt.	0	4
Lanthorns, horn or glass	per dozen	0	1
Lard	per cwt.	0	2
Laths, per 1,000 of 4 feet, and other lengths in proportion		0	4
Lead ore	per ton	0	4
Lead, pigs of	per ton	1	0
Sheet	per cwt.	0	1
Leather, tanned	per cwt.	0	2
wrought	per cwt.	0	3
Lemons	per chest	0	4
	per box	0	2
Lemon, lime, and orange juice	per hogshead	1	0
Lime, burnt	per ton	0	6
Limestone	per ton	0	2
Linen or woollen rags	per cwt.	0	1
Cloth	per cwt.	0	4
Lint cloth, not in bales	per piece	0	3
Liquor, in bottles	per case or box	0	6
Logwood, logwood chips	per cwt.	0	3
Maccaroni	per cwt.	0	4
Mace	per cwt.	1	0
Machinery, steam and other iron engines, and parts of the same	per cwt.	0	1
Ditto, foundation plates, bobs, and pumps for engines	per cwt.	0	1
Ditto, wood and iron mixed	per foot	0	1
Madder and madder roots	per cwt.	0	4
Malt	per quarter	0	2
Manganese	per ton	0	4
Manure (not enumerated)	per ton	0	2
Mats	per dozen	0	1
Maunds or hampers, empty, imported	per dozen	0	1
Melting pots	per dozen	0	1
Millboards	per 120 boards	0	6
Millinery	per foot	0	1
Mops and brushes	per dozen	0	3
Mother-of-pearl shell	per cwt.	0	4
Mundic	per ton	0	2
Munjeet	per cwt.	0	4
Muriate of lime, potash, and soda, each	per cwt.	0	1
Musical instruments	per foot	0	1
Muskets	per dozen	0	6

		s.	d.
Mustard	per firkin of 72 lbs.	0	3
"	per firkin of 36 lbs.	0	2
Nails	per cwt.	0	1
Natron	per ton	1	8
Nests of trunks	per foot	0	1
Nutmegs	per cwt.	1	0
Nuts, French	per Winchester bushel	0	1
Nux vomica	per cwt.	0	4
Oakum	per cwt.	0	1
Oars	per dozen	0	3
Ochre	per cwt.	0	1
Oil, large cans for lighthouses containing 30 gallons, and so in proportion		1	0
Oil, castor	per cwt.	0	4
sperm	per hogshead	1	0
pilchard	per ton	1	0
sweet and lamp, and all oils not enumerated	per hogshead	0	10
in flasks	per chest	0	4
	per half chest	0	2
Oil cake	per ton	1	0
Olives	per barrel	0	2
	per jar	0	1
Onions	per cwt.	0	1
Oranges	per box	0	2
	per chest	0	4
Orange and lemon peel, and buds	per cwt.	0	3
Orchilla weed	per cwt.	0	4
Ox bows	per dozen	0	2
Paints and painters' colours	per cwt.	0	2
Paintings, pictures, and pier glasses	per foot	0	3
Pans, warming	per dozen	0	3
brass	per cwt.	0	6
Paper, stationers	per cwt.	0	4
common	per cwt.	0	1½
Pattens, wood	per gross	0	6
Pepper	per cwt.	0	3
Pewter	per cwt.	0	2
Phials, in packages	per foot	0	1
Pick hilts	per gross	1	0
Pickles	per dozen bottles	0	1
Pimento	per bag of 100 lbs.	0	3
Pins	per cwt.	0	4
Pipes for smoking	per hogshead	1	0
	per box or barrel	0	6
Plaister of Paris	per cwt.	0	1
Ploughs	each	0	6
Plums	per cwt.	0	3
Potatoes	per bushel of 2 cwt.	0	1
Potash	per cwt.	0	1
Powder, hair	per cwt.	0	2
Preserves	per cwt.	0	4
Prunes	per cwt.	0	2
Pumice stone	per ton	0	1
Puncheons empty, and pipes not returned	each	0	2
Quern stones	each	0	6
Quicksilver	per case or package	0	6
Quills, stationers	per 1,000	0	2
miners	per cwt.	0	9

		s.	d.
Raisins and figs	per cwt.	0	2
Rape seed	per quarter	0	4
Rice	per tierce of 4 cwt.	0	8
Rope, coil	per cwt.	0	1
under a hundredweight in proportion.			
Yarn	per cwt.	0	1
Rum	per puncheon, and so in proportion	2	0
Rye grass seeds	per bushel of 24 gallons	0	1
Sago	per cwt.	0	2
Sails	per cwt.	0	4
Sal gem rock salt	per ton	0	6
Salt, fine	per ton	0	4
coarse, for curing fish	per ton	0	3
Saltpetre	per cwt.	0	2
Scythe stones	per 100	0	3
Scythes	per dozen	0	2
Scuttles, coal, copper, or tinplate	per dozen	0	3
Scoops, boat	per dozen	0	1
Fish	per dozen	0	2
Malt	per dozen	0	3
Seed, garden, or agricultural grass seeds	per cwt.	0	3
Segars	per cwt.	0	6
Shakes, not returned, per hogshead, and so in proportion		0	2
Shot, bird	per cwt.	0	3
Shovel handles	per dozen	0	1
Shumac	per cwt.	0	2
Sieves	per dozen	0	3
Silk, raw	per cwt.	1	0
Thrown	per cwt.	2	0
Waste	per cwt.	0	6
Manufactured	per foot on package	0	2
Skins, badger, bear, beaver, deer, elk, ermine, fisher, fox, leopard, lion, martin, otter, panther, seal, tiger	per score	1	0
Horse	per score	0	3
Calf	per score	0	3
Sheep and kid	per dozen	0	3
Cat, chinchilli, mink, raccoon, seal, (hair)	per score	0	6
Goat, fitch, musk-quash, neutria, swan	per score	0	3
Coney, hare, mole	per score	0	1
Slabs, marble	per ton	1	0
Slates, writing	per gross	0	3
Rags	per dozen	0	0½
Scantle	per 1,000	0	3
Common helling	per 1,000	0	2
Slate, earth or tombstones	per foot	0	0¼
Snuff	per cwt.	0	4
Soap	per cwt.	0	2
Soda, sal	per ton	1	0
Soda water	per dozen	0	2
Solder and spelter	per cwt.	0	1½
Spades, garden	per dozen	0	6
Spars. *See* Timber.			
Spermaceti	per cwt.	0	4
Spokes for wheels	per dozen	0	2
Naves, for wheels	per dozen	0	2
Sponge	per cwt.	1	0
per package	under quarter of cwt.	0	6
Stamp lifters	per dozen	0	6

		s.	d.
Starch	per cwt.	0	2
Steel	per cwt.	0	2
Stone, Caen, for millstones	per 100	3	6
Stones, grinding	per cwt.	0	1
not enumerated	per ton	1	0
Straw bonnets, in bales, cases, or casks, or otherwise	per foot	0	1
Plait ditto ditto	per foot	0	2
Succades and sweetmeats	per cwt.	0	4
Sugar, soft	per cwt.	0	1
refined, in barrels or bags	per cwt.	0	2
candy	per box	0	2
refined	per hogshead	1	4
Sulphur	per cwt.	0	3
Talc	per cwt	0	4
Tallow	per cwt	0	1
Tanners poles	per cwt.	0	6
Tapioca	per cwt.	0	3
Tar, pitch, or rosin	per barrel	0	2
Tarras	per cwt.	0	1
Tea	per chest	1	6
	per quarter chest	0	6
	per box	0	3
Terra Japonica	per ton	2	0
Tessera	per barrel	0	2
Thrashing machines	each	2	6
Thrumbs	per cwt.	0	4
Tiles, pan	per score	0	1
Paving	per score	0	1
Malt kilns	per score	0	1
Timber, not enumerated	per load of fifty feet	0	6
Staves, pipe	per 120	0	6
Hogshead	per 120	0	2
Split or sawn staves	per 1,000	1	0
Spars, under 4 inches	per dozen	0	4
under 6 inches	per dozen	0	8
under 8 inches	per dozen	1	0
Mast pieces, under 12 inches	each	0	3
Treenails or trunnels	per 1,000	0	3
Ufers, under 24 feet	per 100	1	0
above 24 feet	per 100	1	6
Wainscot boards	per 100	1	6
Handspikes	per 100	0	6
Lathwood	per fathom	1	0
Lignum vitæ	per cwt.	0	1
Tin, in blocks, ingots, or barrels	per ton	1	0
Tin ore	per ton	0	8
Plate	per box	0	2
Tobacco	per cwt.	0	3
Tongues	per dozen	0	1
Tortoiseshell	per cwt.	1	0
Tow	per ton	1	8
Toys in boxes	per foot	0	1
Treacle or molasses	per puncheon	0	10
Ditto	per half puncheon	0	5
Ditto	per small cask	0	3
Trees for saddles	per dozen	0	3
Trenchers	per gross	0	2
Trucks	each	0	3

		s.	d.
Trundle sticks	per 1,000	0	3
Turnips	per ton	1	0
Turpentine	per cwt.	0	6
Twine or netting	per cwt.	0	3
Types	per cwt.	0	6
Valonia	per ton	2	0
Varnish	per barrel	0	6
Vegetables, shipped	per cwt.	0	1
Venice turpentine	per cwt.	0	4
Verdigris	per cwt.	0	1
Vermicelli	per cwt.	0	6
Vinegar	per pipe	1	0
Ditto	per hogshead	0	6
Ditto	per firkin	0	3
Waste, Braziers, Buttonmakers, Furriers, Soapers, Tanners, Vitriol, Sugar bakers	per cwt.	0	1
Wax	per cwt.	0	2
Whalebone fins	per cwt.	0	4
Ditto ditto	per 12 lbs.	0	2
Wheelbarrows	each	0	4
Whetstones	per gross	0	2
Whip sticks	per bundle	0	1
Whiskey	per puncheon	2	0
Whiting	per cwt.	0	1
Wick yarn, pack	per cwt.	0	3
Wine, foreign	per pipe, all sorts	2	0
British	per pipe	1	6
or strong waters	per hogshead	1	0
	per barrel	0	6
British	per hogshead	0	9
	per firkin	0	3
and liquors in bottles	per dozen	0	2
Winnowing machines	each	2	6
Wool, packs of British	per cwt.	0	3
Spanish, and all other	per cwt.	0	6
Worsted yarn	per cwt.	0	2
Yams	per package	0	2
Zaffree	per cwt.	0	4
Zedoary	per cwt.	0	4

And all other goods and merchandise not herein enumerated five per centum on the amount of the freight thereof.

III.—Rates on Pilchards.

Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, and cured within the municipal borough of Saint Ives, for every hogshead	0	6
Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, but not cured within the said municipal borough, for every three thousand fish	0	6

TOBERMORY.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Tobermory in the Island of Mull and County of Argyll.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, Frederick William Caldwell, of Mishnish, in the Island of Mull and County of Argyll, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying that a Provisional Order might be granted to authorize and empower him, his heirs and assigns, (among other things) to construct and maintain a pier at Tobermory in the Island and County aforesaid, to be called Mishnish Pier, and to levy and recover the rates in the memorial referred to:

And whereas the estimated expenditure on the proposed works is One thousand and four hundred pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works in the office at Inveraray of the Principal Sheriff Clerk of the County of Argyll, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoter prepared a schedule of rates to be levied at the proposed works, and published the same according to the requirements of the said Act, and deposited a printed copy thereof in the office of the said Principal Sheriff Clerk, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid, before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act

Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Undertakers.

1. The said Frederick William Caldwell, his heirs and assigns, shall be the undertakers of the works authorized by this Order.

Works.

2. Subject to the provisions of this Order, the undertakers may, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

3. The works authorized by this Order comprise the following:—

A pier or jetty, 100 feet in length, or thereabouts, extending in a south-easterly direction from the end of a roadway or approach to be constructed along the northern shore of Tobermory Bay, such roadway or approach running for 160 feet or thereabouts in a south-easterly direction from the termination of the present roadway.

Consent of Commissioners of Woods and Forests

4. The undertakers shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the undertakers shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the undertakers, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the undertakers, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the undertakers.

Rates according to Schedule to this Order.

5. The undertakers may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

6. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, from, and out of the pier by land, and with their vessels, and otherwise, without payment.

Parts of Harbours Clauses Act excepted.

7. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, 19, 49, and 50.

Borrowing.

8. The undertakers may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 1,400*l.* They shall regularly keep down the interest accruing on the money so borrowed, and shall not allow such

such interest to accumulate, and shall repay the money borrowed within 50 years from the time of borrowing.

9. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:— Application of rates.

(1.) In the maintenance of the works authorized by this Order:

(2.) In payment of the interest accruing on any money borrowed under the authority of this Order, and in repayment of the principal of such money:

(3.) To the proper use of the undertakers.

10. This Order may be cited as The Mishnish Pier, Tobermory, Order, 1862. Short Title.

Board of Trade, Whitehall.
Dated this 19th day of May 1862.

(Signed) T H Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	d.
For every decked or partly decked vessel:—			
Under the burden of twenty tons	per ton	0	4
Of the burden of twenty tons and not exceeding one hundred tons	per ton	0	6
Of the burden of one hundred tons and upwards	per ton	0	10

II.—Rates on Herring Boats, &c.

For every herring boat, and every undecked boat coming to the pier with herrings or fresh fish, or landing or taking on board goods or dried or salted fish, each		0	4

III.—Rates on Passengers.

For every person landing from or embarking in any vessel at the pier		0	3

IV.—Rates on Animals and Goods shipped or unshipped at the Pier.

Ale, beer, or porter	per hogshead	0	4
Bark, in bulk	per ton	1	0
Beef, fresh or salted, or other provisions	per barrel	0	2
Bones	per ton	0	6
Bone-dust	per ton	0	8
Bricks	per 1,000	0	8
Butter	per cwt.	0	2
Carriages with four wheels	each	0	8
Carriages with two wheels	each	0	6
Cattle, viz.:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses, asses, and mules	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	6
Cloth, haberdashery, &c.	per barrel bulk	0	2

		s.	d.
Coach or cart wheels	per pair	0	3
Coal	per ton	0	3
Copper	per ton	1	4
Cordage	per ton	5	0
Dogs (sporting only)	each	0	2
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Empty barrels	each	0	0½
Fish, salted or dry	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Ditto	per barrel	0	1½
Fowls and ducks, live	per dozen	0	2
Geese and turkeys, live	each	0	1
Glass	per barrel bulk	0	3
Grain, viz., wheat and malt	per quarter	0	3
Barley, bear, pease, beans, oats, and all other descriptions of grain	per quarter	0	2
Grease	per cwt.	0	2
Groceries	per barrel bulk	0	3
Guano and artificial manures	per ton	0	8
Hardware	per barrel bulk	0	3
Hay	per ton	0	8
Hemp and cotton, unwrought	per ton	1	4
Herrings, fresh	per cran	0	1
Ditto, cured	per barrel	0	3
Hides	per ton	1	4
Iron, pig or old	per ton	0	8
Ditto, bar, bolt, or rod	per ton	1	4
Kelp	per ton	0	8
Lathwood	per fathom	2	6
Lead of all kinds, and zinc	per ton	1	4
Leather	per ton	1	4
Lime	per chaldron	1	4
Limestone	per ton	0	3
Machinery	per ton	1	4
Manure	per ton	0	2
Meal and flour	per bag of 280 lbs.	0	2
Milk	per 3 large pitchers	0	0½
Millstones	each	0	8
Oakum	per ton	2	6
Oil	per tun	1	0
Oil-cake	per ton	1	0
Peats	per ton	0	3
Potatoes	per ton	0	6
Poultry, including pigeons, game, and other birds	per dozen	0	1
Ropes and rags (old)	per ton	0	10
Salt	per ton	0	10
Sand	per ton	0	3
Seeds	per 8 bushels	0	2
Slates, under size	per 1,000	0	6
Ditto, sizeable	per 1,000	0	10
Ditto, over size	per 1,000	1	4
Soda water or lemonade	per gross of 144 bottles	1	0
Spirits	per hogshead of 56 gallons	0	8
Stones, paving or dressed	per ton	0	4
Ditto, others	per ton	0	3
Stucco	per ton	0	6

		s.	d.
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles or pipes for draining	per 1,000	0	8
Ditto, roofing	per 1,000	0	9
Timber, unwrought, of all kinds	per load of 50 cubic feet	0	10
Wine in cask	per hogshead	0	8
Ditto in bottle	per barrel bulk	0	4
Wool	per cwt.	0	2
Yarn	per ton	1	4

All other unenumerated articles to pay at landing or shipping :—

If by measurement	per barrel bulk	0	2
If by weight	per ton	1	4

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

V.—Rates for the Use of Sheds, Cranes, and Weighing Machines.

1.—*Sheds.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt, which shall remain in any shed or on the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2.—*Cranes.*

	s.	d.
All goods or packages not exceeding one ton	0	3
Exceeding one ton and not exceeding two tons	0	4
Exceeding two tons and not exceeding three tons	0	6
Exceeding three tons and not exceeding four tons	0	8
Exceeding four tons and not exceeding five tons	0	10
Exceeding five tons and not exceeding six tons	1	0
Exceeding six tons and not exceeding seven tons	1	2
Exceeding seven tons and not exceeding eight tons	1	4
Exceeding eight tons and not exceeding nine tons	1	8
Exceeding nine tons and not exceeding ten tons	2	0
Exceeding ten tons	3	0

3.—*Weighing Machines.*

For goods weighed, 1*d.* for each ton or part of a ton.

HASTINGS.

HASTINGS.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier and Harbour at Hastings in the County of Sussex.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Hastings Pier and Harbour made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier and Harbour at Hastings in the County of Sussex, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to, and also for the incorporation of a Company, with power to transfer the execution of the proposed works to the Mayor and Corporation of Hastings:

And whereas the estimated expenditure on the proposed works is seventy-five thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Sussex, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas certain objections to the said schedule were forwarded in writing to the Board of Trade, within the time in the said Act limited in this behalf:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objections aforesaid as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objections aforesaid, and with the omission of part thereof, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such

such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Hastings Pier and Harbour Company.

Incorporation of Company.

1. The following persons, namely, The Honourable William Henry Yelverton, Charles Appleyard, William Browne, and Henry Aldridge Parry, and all other persons and corporations who have subscribed or shall subscribe to the undertaking by this Order authorized, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the Pier and Harbour and works by this Order authorized, and for the other purposes of this Order; and for those purposes shall be and are hereby incorporated by the name of The Hastings Pier and Harbour Company; and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take hold, and dispose of lands and other property, for the purposes, but subject to the restrictions, of this Order.

The undertakers.

2. The Hastings Pier and Harbour Company, herein-after called the Company, shall be the undertakers of the works authorized by this Order.

Companies Clauses Act incorporated.

3. The Companies Clauses Consolidation Act, 1845, shall be incorporated with this Order.

Capital.

4. The capital of the Company shall be 80,000*l.* in 16,000 shares of 5*l.* each.

Calls.

5. No call shall exceed 2*l.* per share; successive calls shall not be made at a less interval than three months.

Borrowing.

6. The Company may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order; but no money shall be so borrowed until the whole of the capital of 80,000*l.* is subscribed for or taken, and until one half thereof is paid up, and until the Company prove to the Justice who is to certify under The Companies Clauses Consolidation Act, 1845, section 40, before he so certifies, that all such capital has been subscribed for bonâ fide, and is held by subscribers or their assigns, and for which such subscribers or their assigns are legally liable.

Receiver.

7. The mortgagees of the Company may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.*

No interest or dividend on calls.

8. The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount of calls made in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the provisions of The Companies Clauses Consolidation Act, 1845.

Money not to be used for deposit under Standing Orders, &c.

9. The Company shall not out of any money so raised pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied to purposes of Order.

10. Every part of the money so raised shall be applied only for purposes by this Order authorized.

First general meeting.

11. The first general meeting of the Company shall be held within three months after the passing of an Act of Parliament confirming this Order.

Number of Directors.

12. The number of Directors shall be five, with power to the Company to reduce the number, but not below three.

Quorum of Directors.

13. The quorum of a meeting of Directors shall be three, unless and until the number of Directors be reduced to three, when the quorum shall be two.

First Directors.

14. The four persons herein-before named, and such other qualified person as the said four persons, or any two of them, shall nominate, shall be the first Directors.

Qualification of Directors.

15. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the possession in his own right of 20 shares.

Taking of Lands.

Power to take specified lands by agreement.

16. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

17. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

18. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier and Harbour.

19. The works by this Order authorized comprise the following:—

(1.) A pier, commencing from the site of the Old Fort on the west, and extending about 1,650 feet in a southerly direction, then taking a curve to the eastward, and running in an easterly direction for 1,230 feet:

(2.) A pier or breakwater, commencing about 1,200 feet eastward of the other, from the "Rock-a-Nore," and being carried to the extent of 1,650 feet in a line nearly parallel to the western pier.

20. The

Pier and Harbour Orders Confirmation.

20. The Company shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Company shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the Company, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Consent of Commissioners of Woods and Forests.

Rates.

21. The Company may demand and receive in respect of the vessels, goods, persons and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Power to take rates according to Schedule to this Order.

22. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

Custom House Officers exempt from rates.

General Provisions.

23. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Lands for extraordinary purposes.

24. The Company shall have the appointment of meters and weighers on and within the Pier and Harbour, subject to this restriction,—that so long as the Hastings Local Board of Health shall, under any powers given or to be given to them by any Act of Parliament, appoint a sufficient number of persons to be meters of coals within the Borough of Hastings, the Company shall from time to time appoint and license the same persons and no others to be meters of coals on and within the Pier and Harbour, and shall not levy any rate in respect of the weighing of coal.

Meters and weighers.

25. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable.

Steam engines, diving bells, lighters, &c.

26. The Company shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities.

Pilotage, lights, buoys, and beacons.

27. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Pier and Harbour authorized by this Order.

Part V. of 24 & 25 Vict. c. 47. to apply.

28. If at any time after the passing of an Act confirming this Order, the Mayor, Aldermen, and Burgesses of the Borough of Hastings, by the Council of the Borough, shall express in writing under their Corporate Seal to the Company their desire to become the owners of the Pier and Harbour and works by this Order authorized, the Company may and shall, by deed under their Common

Power to Company to transfer Pier and Harbour to Corporation of Borough on demand of Corporation.

Common Seal, transfer to the Council the Pier and Harbour and works, or proposed Pier and Harbour and works; and thereupon the Council shall have (as far as may be) all the powers and rights by this Order granted to the Company in relation to the Pier and Harbour and works: Provided nevertheless as follows:—

(1.) No such deed of transfer shall have any effect unless and until the terms thereof are approved by the Board of Trade:

(2.) If the Company and the Council differ as to the terms of transfer, the difference shall be settled by an arbitrator appointed by the Board of Trade:

(3.) Nothing in this Order or in any such deed of transfer shall empower the Council to rate or otherwise involve the Borough of Hastings for or in respect of the construction or maintenance of the Pier and Harbour and works by this Order authorized.

Short Title. 29. This Order may be cited as The Hastings Pier and Harbour Order, 1862.

Board of Trade, Whitehall.

Dated this 23rd day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier or entering or using the Harbour.

		s.	d.
For every vessel shipping or unshipping goods	per registered ton	0	9
For every other vessel	per registered ton	0	6
All lighters from any vessel in the roads shall be exempt from rates, but if the vessel do not use the Pier or enter the Harbour, every lighter shall pay for each trip	per ton	0	2
All boats entirely open, landing or taking on board goods, or dried or salted fish	each	0	6
All drave or large boats using the Pier or entering the Harbour with fresh fish	each	0	4

II.—Rates of Goods shipped or unshipped at the Pier or Harbour.

		s.	d.
Ale	per hogshead	0	6
Ale, bottled	per barrel bulk	0	3
Anchor	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	1	0
Bedding (seaman's)		0	3
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Blubber	per ton of 252 gallons	1	0
Bone dust	per ton	0	8
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Butter	per barrel	0	4
Canvas sails	per barrel bulk	0	2

		s.	d.
Casks, empty, not being returned packages	per puncheon	0	3
Other casks in proportion.			
Cattle:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	4
Chimney cans	per 100	1	4
Clay, fire, manufactured	per ton	0	6
Clay, common	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:—			
Chaises, and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coals, Scotch, English, smithy, and culm	per ton	0	3
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn, viz.:—			
Wheat and malt	per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish, dried and salted	per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated,	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Flour	in barrel	0	1½
Fruit	per bushel or sieve	0	2
Glass	per barrel bulk	0	3
Groceries, viz.:—			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8
Gunpowder	per barrel	0	3
Hams, bacon, or tongues	per cwt.	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	4
Herrings, fresh	per cran	0	1
Ditto, cured	per barrel	0	3
Hides:—			
Ox, cow, or horse, salted or dried	per ton	1	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5

		s.	d.
Hoops of wood	per 1,500	1	0
Household furniture, new	per barrel bulk	0	1
Household furniture belonging to parties changing their residences only	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Ditto	per barrel bulk	0	2
Iron :—			
Bar, bolt, and rod	per ton	1	4
Pig and old	per ton	0	8
Chain cables	per ton	1	4
Manufactured, cast and wrought	per cwt.	0	2
Kelp	per ton	0	8
Lead of all kinds	per ton	1	4
Leather, tanned and dressed	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manure, street	per ton	0	2
Masts or spars, ten inches in diameter and upwards	each	4	6
Under ten inches	each	3	0
Meal	per bag of 280 lbs.	0	2
Meat, fresh	per ton	1	4
Meat, fresh	per barrel	0	2
Milk	per three large pitchers	0	0½
Musical instruments	per barrel bulk	0	3
Oils	per tun	1	0
Ores :—			
Copper, iron, lead, and other ores	per ton	0	8
Oysters	per bushel	0	3
Oysters	per firkin or smaller bushel	0	3
Passengers' luggage, not exceeding four barrels bulk, free.			
All above four barrels bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Porter, bottled	per barrel bulk	0	2
Potatoes	per ton	0	6
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags, linen	per ton	1	4
Other rags, old rope, and the like	per ton	0	10
Rape cakes	per ton	0	8
Salt	per ton	0	10
Seeds, flax and rape	per hogshead	0	6
Flax	per barrel	0	3
Flax	per quarter	0	2
Clover	per ton	1	4
Seeds, garden	per ton	1	4
Hemp and canary	per ton	1	4
Rye grass	per 8 bushels	0	2
Shrimp baskets	each	0	2
Skins, seal	per 120	0	8
Slates	per ton	0	6
Spirits, foreign and British	per hogshead of 56 gallons	0	8
Stones, rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3

		s.	d.
Stones, pavement, not exceeding 3 inches thick	per 70 feet	0	4
Pavement, above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	1
Millstones	each	0	8
Steel	per ton	1	4
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles, roofing	per 1,000	0	9
Tiles or pipes for draining	per 1,000	0	8
Tin of all kinds	per ton	1	4
Tobacco	per ton	2	6
Treenails under 2 feet in length	per 1,000	0	6
Treenails exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	2
Water	per ton	0	6
Whalebone	per ton	2	6
Wine	per hogshead	0	8
Wine, bottled	per barrel bulk	0	4
Wood:—			
Fir, pine, and other descriptions not enumerated	per load of 50 feet	0	10
Oak or wainscot	per load of 50 feet	1	0
Firewood	per fathom	0	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars under 22 feet in length, above 2½ and under 4 inches diameter	per 120	2	6
Spars, 2½ inches in diameter and under	per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Spokes of wheels exceeding 2 feet in length	per 120	0	6
Wedges	per 1,000	1	0
Pipe staves and others in proportion	per standard hundred	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

All other Goods not particularly enumerated above.

Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt. then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

	s.	d.
All goods or packages not exceeding one ton - - - -	0	3
Exceeding one ton, and not exceeding two tons - - -	0	4
Exceeding two tons, and not exceeding three tons - - -	0	6
Exceeding three tons, and not exceeding four tons - - -	0	8
Exceeding four tons, and not exceeding five tons - - -	0	10
Exceeding five tons, and not exceeding six tons - - -	1	0
Exceeding six tons, and not exceeding seven tons - - -	1	2
Exceeding seven tons, and not exceeding eight tons - - -	1	4
Exceeding eight tons, and not exceeding nine tons - - -	1	8
Exceeding nine tons, and not exceeding ten tons - - -	2	0
Exceeding ten tons - - - - -	3	0

2nd. Weighing Machines.

For goods weighed, 1*d.* for each ton, or part of a ton.

3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt. which shall remain in the sheds or other works of the Pier, or on the quays of the Harbour, for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

And for every portmanteau, trunk, parcel, or any other article of passengers luggage, for each day or part of a day - per package 0 2

IV.—Rates on Passengers landing on or embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of any ship, vessel, packet or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding - -	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of any boat or vessel used for pleasure only, for each and every time, any sum not exceeding - - -	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - -	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Hastings, or sending men on and using the said Pier and other works, for the purpose of going on or returning from their own vessels, boat, or wherry, an annual sum not exceeding - - - - - -	1	0	0

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

How far Prohibition in recited Act as to making of Grants, &c. is to extend.

1. The Prohibition to make any Grant by Copy of Court Roll or Lease contained in the First Section of the said Act shall not only extend to Grants of the said Manors, Lands, Tenements, and Hereditaments made in consideration of any Fine, Premium, or Foregift, but shall also extend to all Grants and Leases of such Manors, Lands, Tenements, and Hereditaments made for any longer Term, or in any other Way than according to the Provisions of the several Statutes mentioned in the said First Section and in the Third Section of the said Act hereby amended.

Powers of Prebendaries as to Sale, Exchange, &c.

2. The Prebendary of any Prebend, not being a Prebend of any Cathedral or Collegiate Church, shall have such and the same Powers of Sale, Exchange, and Enfranchisement as by the Third Section of the said Act are given to Rectors, Vicars, Perpetual Curates, and Incumbents; and the Provisions and Enactments contained in the said Third Section shall apply to Sales, Exchanges, and Enfranchisements made by any such Prebendary, and to the Proceeds thereof.

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2. Persons who collectively are Owners of the Fee Simple, or have the Power of acquiring the same:
3. Persons who have the Power of appointing the Fee Simple:
4. Trustees for Sale of the Fee Simple:
5. The Owner of the First Estate of Freehold and first vested Estate of Inheritance:
6. Any Purchaser of a Fee Simple, where his Contract empowers him so to do, or the Vendor consents:
7. Any Person authorized by the Court of Chancery to make such Application.

Application may be made, although the Estate of the Person applying may be subject to Charges and Incumbrances.

Proceedings to obtain Registration of a Title as indefeasible.

Examination of Title with Guarantee.

5. On Application for the Registration of a Title as indefeasible, the Title shall be examined by the Registrar and Examiners of Title herein-after mentioned in such Manner as General Orders shall direct: No Title shall be accepted for Registration as indefeasible unless it shall appear to be such as a Court of Equity would hold to be a valid marketable Title.

Reference of Questions of Title.

6. Any Question, Doubt, or Dispute as to any Matter of Title that may arise in the Course of such Investigation may be referred to such Judge of the Court of Chancery as the Lord Chancellor shall appoint to hear Applications under this Act.

Particulars to be furnished to Registrar.

7. If the Title shall (either absolutely or subject as aforesaid) appear to be good and marketable, the Applicants shall furnish to the Registrar, and he shall examine and settle for the Purposes of Registration:

First, an exact Description of the Lands to be registered:

Secondly, a Statement of the Persons, or Classes or Descriptions of Persons, that are or may become entitled to such Lands, and of the Estates, Powers, and Interests that exist, or may arise or become vested in such Persons respectively:

Thirdly, a Statement of the Mortgages, Charges, and Incumbrances affecting such Lands or any Part thereof, and of the Persons entitled thereto, both at Law and in Equity:

Copies of such Description and Statements when settled by the Registrar shall be delivered back to the Applicants: Any Objection to the same or to any Part thereof, if not allowed by the Registrar, shall, at the Request of the Applicants, be referred to and decided by the Judge of the Court of Chancery.

8. If

8. If required by the Registrar, the Description of the Land furnished by the Applicant shall be verified by his own Oath or the Oaths of Persons having full Means of Information. May be verified on Oath.

9. It shall be stated in the Description of the Land to be so furnished by the Applicant whether he does or does not claim to be entitled to all or any Part of the Mines and Minerals under such Land, and unless in such Description Mines or Minerals shall be expressly mentioned, they shall be deemed not to be included therein; and if in such Description Mines or Minerals shall be expressly mentioned, it shall be the Duty of the Registrar to have especial Regard thereto in all subsequent Inquiries to be made by him with respect to such Lands, and in the Investigation of the Title thereto, and also in the Service of such Notices as herein-after mentioned. Claim to Mines and Minerals.

10. The Identity of the Lands with the Parcels or Descriptions contained in the Title Deeds shall be fully established, and the Registrar shall have Power by such Inquiries as he shall think fit to ascertain the Accuracy of the Description and the Quantities and Boundaries of the Lands; and, except in the Case of incorporeal Hereditaments, a Map or Plan shall be made and deposited as Part of the Description. Identity of Lands to be established.

11. When such Description has been settled, and the Registrar is satisfied with the Title shown to the Land, and with the Result of the Inquiries made, he shall require such Notices as General Orders shall direct to be given by public Advertisement of his Intention to register such Land with an indefeasible Title, at the Expiration of a Period not less than Three Months from the Date of such Advertisement. Notice of Intention to register.

12. Such Notice shall contain a Copy of the Description of the Land as proposed to be registered and the Names and Descriptions of the Applicants for Registration: A Copy of such Notice shall be served on every adjoining Occupier, and the Person (if any) to whom such Occupier pays Rent, and on the Lord of the Manor in any Case in which the Lands are situate within or held of any Manor, and also on every Person not having already had Notice of the Application, who shall appear to have or claim any Estate or Interest in or Right over the Land, or any Part thereof, and on such other Persons as under the special Circumstances of each Case shall be deemed necessary. Contents of Notice.

The Notice shall also state the Place, Time, and Manner at and in which any Party may be heard to show Cause against such Registration.

13. At

Cause may be shown against Registration.

13. At the Time and Place named in the Notice, or at such Time and Place as General Orders shall direct, any Person may attend and show Cause before the Registrar, by Affidavit or otherwise, against the Registration, or claim that the same should be subject to any Conditions or Reservations; the Registrar may decide on such Objection or Claim, or may refer the same to the Judge of the Court of Chancery: If the Registrar decide, either Party may appeal from his Decision to the said Court, in manner herein-after directed.

Completion of Registration.

14. If at the Expiration of the Time named in such Notice there shall be no Objection to the Registration applied for or none allowed, and no Appeal pending, or, if any Appeal shall be then pending, as soon as any Objection to such Registration shall have been finally disallowed by the Court of Appeal, or the Appeal withdrawn, the Registrar shall complete such Registration in manner following; that is to say,

First, the Registrar shall enter in a Book to be called "The Register of Estates with an indefeasible Title" such Description of the Estate as shall be finally approved of, and shall annex thereto any Map or Plan which shall be deemed necessary, and shall distinguish the Estate so entered by a particular Number or Numbers, and the Entry shall refer to another Book to be entitled "The Record of Title to Lands on the Registry:"

Secondly, in the last-mentioned Book, under the same Number or Numbers, shall be entered in concise Terms an exact Record of the existing Estates, Powers, and Interests in the Land so registered as aforesaid, and the Names and Descriptions of the Persons or Classes of Persons that are or may become entitled thereto respectively:

Thirdly, in a Book to be entitled "The Register of Mortgages and Incumbrances" shall be entered under the same Number or Numbers an Account of all the Charges and Incumbrances affecting the Lands or any Part thereof, or the Estate or Interest therein of any Person named in the Record of Title.

Books may be inspected.

15. Subject to such Directions as may be given by General Orders, the aforesaid Books of Registry may be inspected by the Owners of the Estates and Interests, or of the Mortgages and Incumbrances recorded therein, or their respective Solicitors or Agents: No other Person shall be permitted to inspect such Books, except under an Order of the Court of Chancery.

As to the Record of Title.

As to Exception, &c. in Record of Title.

16. In the Record of Title so made as aforesaid it shall be competent for the Registrar to specify or define any Exception or Qualification

fication or Condition affecting the whole of the Interests so recorded, or any of them, and also to reserve expressly the Right of any Person or Class of Persons, and to describe any outstanding Right or Possibility of Claim or Interest subject to which such Registration is made; and if there shall be any disputed Question of Boundary between the Applicants and any Proprietor of adjoining Land which shall not have been previously determined by any competent Authority, it shall be competent for the Parties or either of them to object in Writing to the Determination of such Question by the Registrar, or by a Judge of the Court of Chancery, under this Act; and if any such Objection shall be made, the Registrar shall specify upon the Record of Title the Existence of such disputed Question of Boundary, and that the Registration is made subject thereto.

Any Question as to true Construction of any Deed, &c. to be referred by Registrar to a Judge of Court of Chancery.

17. If in making up, or afterwards continuing, such Record of Title as aforesaid, any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Instrument, or Will, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority of any Person or Class of Persons, or the Mode in which any Entry ought to be made in the Record of Title, or any doubtful or uncertain Right or Interest stated or dealt with by the Registrar, it shall be competent for the Registrar, or for any of the Parties interested, to refer the same to a Judge of the Court of Chancery: If on such Reference the Judge, having regard to the Parties appearing before him, shall think proper to decide the Question, he shall have Power to do so, or to direct any Proceeding at Law or in Equity to be instituted for that Purpose, or at his Discretion, and without deciding such Question, to direct such particular Form of Entry to be made on the Record of Title as under the Circumstances shall appear to be right.

Registrar may refer in Record of Title to Deed, &c. for Estates of Parties.

18. In any Case described in the preceding Section, the Registrar may, at the Request of the Parties or at his own Discretion, refer in the Record of Title to the Deed, Will, or other Instrument for the Estates and Interests of the Parties, instead of setting out or describing the same: Provided always, that in every Case in which such Deed, Will, or other Instrument shall be so referred to, a Copy thereof (which shall be verified and printed in the Manner hereinafter directed with respect to Deeds or Instruments conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register,) shall be delivered to the Registrar by the Parties applying for Registration, and shall be preserved in the Registry; and for the Purposes of any subsequent Sale, Mortgage, or Contract for valuable Consideration by any Person appearing thereby to have any Estate or Interest in the Land to which the Record of Title so made up shall

 relate,

relate, such Copy shall be conclusive Evidence of the Contents of the said Deed, without the Production of the Original thereof.

Persons entitled to Principal Money, &c. not to be entered in Record of Title unless Registrar thinks fit.

19. The Names of the Persons entitled to the Proceeds of any Trust for Sale of the Lands so registered, or to any Principal Money to be raised by virtue of any Charge under the Trusts of any Estate or Term, shall not be entered in the Register unless the Registrar shall think fit so to do, but the Estate of the Trustees shall be defined and the Purpose of the Trust shortly described.

When an indefeasible Title shall arise.

Persons described in Record of Title to be deemed as possessed of such Estates, &c.

20. Subject to any Exception, Qualification, or Condition mentioned in such Record of Title, and to any Right or Interest thereby reserved, and to any registered Charges or Incumbrances, and to such Charges and Interests (if any) as are herein declared not to be Incumbrances, the Persons originally and from Time to Time named and described in such Record of Title as aforesaid shall, for the Purposes of any Sale, Mortgage, or Contract for valuable Consideration by such Persons respectively, be and be deemed to be as from the Date of registering such Record by the Registrar, or from such Time as shall be fixed by him therein, absolutely and indefeasibly possessed of and entitled to such Estates, Rights, Powers, and Interests as shall be defined and expressed in such Record against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors.

Informality not to prejudice Entry in Record of Title.

21. No Entry in such Record of Title as aforesaid shall be set aside or called in question as against any Person who may afterwards become interested therein under any Sale, Mortgage, or Contract for valuable Consideration, by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

Before Registration Applicant and Solicitor or Agent, &c. to make Oath that all Deeds, &c. have been made known to Registrar.

22. Before the final Registration of any Land with an indefeasible Title, the Applicant and his Solicitor or Agent, or certificated Conveyancer, and such other Person or Persons as the Registrar shall require, shall make Oath that all Deeds, Wills, and Writings relating to the Title of the Lands, or any Part thereof, and all Facts material to the Title thereto, and all Charges, Liens, Incumbrances, Contracts, and Dealings affecting the same or any Part thereof, or giving any Right as against the Applicant, have to the fullest Extent of their respective Knowledge, Information, and Belief been made known to the Registrar.

23. If

23. If at any Time before Registration the Registrar is of opinion that any further or other Evidence is necessary, he may refuse to complete the Registration until such further or other Evidence shall have been produced.

Power to Registrar to refuse Registration.

24. The Registrar shall, before taking any Proceeding on an Application for Registration with an indefeasible Title, require the Applicant to give such Security for Costs as General Orders shall direct; and it shall be lawful for the Registrar and for the Judge of the Court of Chancery respectively to order the Costs and Expenses properly incurred of any Person properly appearing upon any Proceeding taken under this Act for the Purpose of such Registration to be paid by the Applicant.

Power to Registrar to demand Security for Costs.

Proceedings for Registration without an indefeasible Title.

25. Application for Registration without an indefeasible Title may be made by any Person, subject to the following Conditions:

Registration without Guarantee of Title may be made under certain Conditions.

1. The Applicant shall prove to the Satisfaction of the Registrar that he, or some Person under whom he claims, has been in the actual Enjoyment or Receipt of the Rents and Profits of the Land as Owner of the Fee Simple thereof, continuously and without Interruption, for a Period of Ten Years immediately preceding the Time of such Application:
2. The last Deed or Will (if any) under which the Applicant derives Title shall be produced to the Registrar:

   If the Applicant claims as Heir-at-Law, Evidence shall be given that the Ancestor was in the Enjoyment of the Estate as Owner thereof at the Time of his Decease:
3. The Rules above enacted as to the Description of the Land to be registered shall apply, and the Registrar shall adopt the same Course, and take the same Proceedings, for the Purpose of ascertaining the Accuracy of the Description of the Lands and of the Boundaries thereof, as are herein-before directed with respect to Registration with an indefeasible Title:
4. A Statutory Declaration shall be made by the Applicant and his Solicitor or Agent, or certificated Conveyancer, and, if necessary, any other Person whose Evidence may be deemed necessary by the Registrar, that they respectively believe the Applicant to be, either alone or jointly with other Persons to be named and described, (and subject to any Qualification, Condition, or Exception which shall be stated,) well entitled to the Fee Simple of the Lands proposed to be registered:
5. If the Land be registered, the Registrar shall, in the Record of Title, define the Time, Event, or Circumstances from and after which

which an indefeasible Title shall attach: When the Time has arrived, the Event happened, or the defined Circumstances exist, a Judge of the Court of Chancery may, upon Proof thereof, and if there be no other Objection, after such and the like Notices as are herein-before required in case of an Application for Registration of a Title as indefeasible shall have been duly given, direct a Transfer of the Land to the Register of Estates with an indefeasible Title, and thereupon the Registrar shall make up a proper Record of the Title to such Land, and the Applicant and other Persons named in such Record of Title shall have the same Estates, Rights, and Privileges as if the Land had been registered with an indefeasible Title:

6. Subject to the Enactments herein contained, the Registration of any Person as Owner of Land without an indefeasible Title shall not prejudice any Estate, Right, or Interest created or existing at or before the Date of such Registration.

Registration of Leasehold Estates.

Leasehold Estates may be registered in like Manner as Freehold Lands.

26. Leasehold Estates, namely, Lands demised for Terms of Years of which Fifty Years are still to come and unexpired, or demised for Lives or for Years determinable with Lives, and in which Two Lives at least are still subsisting, may be registered with an indefeasible Title in a similar Manner and subject to the same or similar Directions and Rules of Proceeding as are herein contained with respect to Freehold Lands: Such Application may be made by Persons having such Estates and Interests in the Leasehold Estates as are similar or correspondent to the Estates and Interests of the Persons entitled to apply for the Registry of Freehold Land: No indefeasible Title shall, in the Case of a Leasehold, extend to the Title of the Lessor or Grantor of the same: Such further Directions shall be observed with regard to Leasehold Estates as shall be given from Time to Time by General Orders.

General Provisions as to Title.

Charges and Liabilities not to be deemed Incumbrances.

27. The following Charges and Liabilities shall not be deemed Incumbrances within the Meaning of this Act; namely,

1. Land Tax, Succession Duty, Tithe Rentcharges, Rents payable to the Crown:

2. Public Rights of Way, Liability to repair Highways by reason of Tenure, Rights of Way, Watercourses, and Rights of Water, and other Easements or Servitudes, Rights of Common, Manorial Rights and Franchises:

3. Leases

3. Leases or Agreements for Leases not exceeding Twenty-one Years, where there is an actual Occupation under the same: Nevertheless, where any such Charges or Liabilities appear or are discovered in the Course of Proceeding prior to Registration, the Registrar shall, in such Manner as he shall think fit, notice in the Register the Existence of such Charges or Liabilities.

28. Land entered on the Register may, at the Option of the Proprietor, be registered as One Estate or as separate Estates; but the Particulars of each Estate, and any Transactions relating thereto, shall, subject to any Regulations to the contrary that may be made by General Order, form a separate Record in the Register, distinguished by a separate Number, or in such other Manner as the Registrar may determine.

Land may be registered as One Estate.

29. If Land registered or proposed to be registered, or any Part thereof, be subject, or be agreed to be made subject to any Condition, as, for Example, that it shall not be built upon, or used in a particular Manner, or any other legal Condition, Notice thereof shall be entered in the "Record of Title," and any Transfer, Demise, or Charge of such Land shall be subject to such Condition; but it shall be lawful for the Court of Chancery to discharge, alter, or modify any such Condition upon hearing all Parties who may be entitled to claim under or against the same.

Registered Land made subject to certain Conditions, &c.

30. So soon as any Land is registered, if there shall appear to be any Charge or Incumbrance affecting such Land or any Part thereof which is entered in the Register of Incumbrances (the Owner of which has not had Notice of the Application), Notice of such Registration shall be immediately given by the Registrar to the Person entitled or interested in such Charge or Incumbrance.

Notice of Registration of Land to be given by Registrar to interested Person.

31. If any judicial Declaration of the Title to any Land shall be made by the Court of Chancery under any Act which may be passed in the present Session for the Purpose of enabling Persons having Interests in Land to obtain a judicial Declaration of their Title to the same, so as to enable them to make an indefeasible Title to Persons claiming under them, as Purchasers for valuable Consideration, the Land as to which any such Declaration may be made may, at the Option of the Person obtaining the same, be entered upon the Register of Estates with an indefeasible Title under this Act when and so soon as the Time allowed for appealing under any such Act as last aforesaid shall have expired, or (if any Appeal shall be prosecuted) when and so soon as any such Declaration shall be affirmed by the last Court of Appeal, or the Appeal withdrawn; and the Title to such

Judicial Declaration of Title.

such Land, as the same shall be declared by the Court, shall in such Case be entered upon the Record of Title to Lands on the Registry under this Act, and such Land shall thenceforth be subject to the Provisions of this Act in the same Manner in all respects as if the Registration thereof had been made by virtue of Proceedings duly taken for the Registration of an indefeasible Title thereto under this Act.

Every Estate, &c. to be entered in Record of Title after Registration of Land.

32. From and after the Registration of any Land, every Estate or Interest, Use, Trust, Mortgage, Charge, Lien, Right, or Title granted, declared, arising, becoming vested or in any Manner created, or coming into existence in, to, upon, out of, or affecting such Land or any Part thereof (except as herein excepted), shall be entered, described, or noticed in the Record of Title or Register of Incumbrances to be so kept as aforesaid.

Estates of registered Proprietors subject to existing Law.

33. Subject to the Enactments herein contained, the Estates and Interests of all registered Proprietors shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Power to Registered Proprietor, with Consent of Persons interested, to close Register.

34. The registered Proprietor of Land may, with the Consent of all Persons appearing by the Register to be interested in such Land, remove the same from the Register, and thereupon the Register shall as respects such Land be deemed to be closed.

Caveat against Entry of Land on Register.

Caveats may be lodged with Registrar, to the Effect that Cautioner is entitled to Notice.

35. Any Person having or claiming such an Interest in Land as entitles him to object to any Disposition thereof being made without his Consent may lodge a Caveat with the Registrar, to the Effect that the Cautioner is entitled to Notice of any Application that may be made for Registration of such Land, and appointing a Place within *Great Britain* for the Service of such Notice.

Caveat to be supported by Affidavit.

36. The Caveat shall be supported by an Affidavit, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

How Notice to be served.

37. Notice may be served on the Cautioner either personally or by sending it through the Post to the Address stated in the Caveat.

After Caveat, no Registration to be made

38. After a Caveat has been lodged, no Registration shall be made of any Lands to which such Caveat refers until Notice has been served on the Cautioner to appear and oppose such Registration,

tion, and Ten Days have expired since the Date of the Service of such Notice, or until the Cautioner has entered an Appearance, which may first happen.

of Lands till Ten Days after Notice.

39. If any Person wrongfully and without reasonable Cause, lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just.

Compensation if Caveat lodged without reasonable Cause.

40. A Caveat lodged in pursuance of this Act shall not prejudice the Claim or Title of any Person, and shall have no Effect whatever, except to entitle the Cautioner to receive such Notice as is herein-before mentioned of any Application made for Registration of Land.

Caveat not Title of any Person.

PART II.

Simplification of Title by Judicial Sales.

Sales by Court of Chancery.

41. Sales may be made by the Court of Chancery of Land with an indefeasible Title, upon the Application, by Petition or otherwise, as General Orders may direct, of any of the Persons who are herein-before empowered to apply for Registration of Title.

Sales of Land may be made by the Court, on Application by Owner.

42. Such Application shall be served on such Persons as the Court shall think fit, before a preliminary Order is made.

Application to be served on Parties.

43. By its preliminary Order or Orders, the Court shall provide for the Examination of the Title to the Land, and the Ascertainment of a correct Description thereof, and shall also make such Inquiries as to the Parties interested, either as Incumbrancers, Owners, or otherwise, and direct such Notices to be given as are herein-before directed on the Occasion of Application to the Registrar for Registration of an indefeasible Title, and shall also direct such other Notices, if any, to be given as it thinks necessary to enable it to form a Judgment as to the Propriety of a Sale, and shall hear by themselves, their Counsel or Agents, any Persons interested in such Land who may apply to them to be heard, and shall, upon the Conclusion of such Inquiries, and after hearing such Parties, if any, as aforesaid, make such Order as to the Sale of such Lands as it thinks just.

Court shall provide for Examination of Title, &c. before making Order for Sale.

44. Before making any Order the Court may require the Applicant to give Security for Costs.

Applicant to give Security for Costs.

45. The

Purchase Money to be paid into the Bank as Court may direct.

45. The Purchase Money on any Sale made by the Court shall be paid as the Court may direct; and the Court may make an Order vesting the Land in the Purchaser, subject or not, as the Case may require, to the Incumbrances specified in such Order, and subject in all Cases to such Charges or Interests as may be subsisting thereon, and are herein-before declared not to be Incumbrances within the Meaning of this Act.

Such Payment to exonerate Purchaser from Liability.

46. The Payment of the Purchase Money in manner directed by the Court shall exonerate the Purchaser from all Liability whatsoever with respect to the same.

Vesting Order to be stamped.

47. Any Vesting Order by the Court shall bear the same Stamp as if it were a Conveyance made by an ordinary Vendor.

Applicant for Sale and his Solicitor may be examined concerning Title before Vesting Order made.

48. Before any Vesting Order is made as aforesaid, the Applicant for the Sale or his Solicitor may be personally examined by the Court, or required to give satisfactory Evidence as to the Fact that all Settlements, Deeds, Wills, and Instruments of Title, and all Charges and Incumbrances affecting the Title to the Land which is the Subject of the Application, and all Facts material to such Title, have been disclosed, and that there is not to their or either of their Knowledge, Information, or Belief any Deed, Charge, or Incumbrance affecting the Title to the said Land, nor any Fact material to the said Title, not fully and fairly disclosed as aforesaid: The Court may require any Person proposing to make an Affidavit in pursuance of this Section to state in his Affidavit what Means he has had of becoming acquainted with the several Matters referred to in this Section, and if the Court is of opinion that any further or other Evidence is necessary, it shall not make such Vesting Order until such further or other Evidence is produced.

Where Sales are made under 20 Vict. c. 120. the Court may make Order as under this Act.

49. Where any Sale of the Fee Simple of Land is about to be made under the Order of the Court of Chancery, in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter One hundred and twenty, and intituled *An Act to facilitate Sales and Leases of Settled Estates*, or of any Act amending the same, or in pursuance of any other Order of the Court, the Court of Chancery may, on the Application of any Parties interested in such Sale, take such Steps as are herein-before directed, and, if satisfied of the Propriety of so doing, may make an Order directing the Land to be put up for Sale with an indefeasible Title, and also an Order vesting the Land in a Purchaser, and any such Vesting Order shall have the same Effect as if it had been made on an Application to the Court under this Part of this Act.

50. Every

50. Every Vesting Order made by the Court of Chancery in pursuance of this Part of this Act shall confer on the Person in whom the Land is vested an Estate in Fee Simple, together with all Rights, Privileges, and Appurtenances therewith enjoyed, or reputed as belonging or appurtenant thereto, subject to the Incumbrances, Exceptions, or Qualifications, if any, appearing in the Order, and subject also to such Charges and Interests, if any, as are hereinbefore declared not to be Incumbrances, but free from all other Estates, Rights, Incumbrances, and Interests whatsoever, including all Estates, Interests, and Claims of Her Majesty, Her Heirs and Successors.

Vesting Order to confer on Person in whom Land is vested an Estate in Fee Simple, with all Rights, Privileges, &c.

51. Where upon an Application being made for a Sale by the Court of Chancery it is proposed that a good Title should be shown to the Purchaser for a limited Period only, the Court may make a qualified Vesting Order, declaring by a Statement contained in such Order, or by Endorsement thereon, or by such other Manner as the Court thinks fit, that the Title is to be deemed to commence from the Date of some specified Instrument or at or on some specified Time or Event.

Court may make a qualified Vesting Order, where Title is shown for a limited Period only.

52. A qualified Vesting Order shall not affect or prejudice any Estate, Title, or Interest in or to such Land created or arising prior to the Date at which the Title is stated to commence, but, save as aforesaid, shall have the same Effect as an absolute Vesting Order.

Effect of qualified Vesting Order.

53. The Court of Chancery may, in the Course of any Proceedings relating to Land wherein a Vesting Order is sought to be obtained, require all Persons having any Deeds or Evidences of Title relating to such Land, who are bound by Law so to do, to produce the same to the Court, upon such Terms and subject to such Conditions as the Court may think just.

Court of Chancery may require Production of Deeds, &c.

54. The Court of Chancery shall determine the Rights and Priorities of the several Persons entitled to or interested in any Money payable under this Part of this Act, and shall distribute the same among such Persons in accordance with such Rights and Priorities.

Distribution of Monies paid into Bank.

55. Where any Money is payable in pursuance of this Act, and is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court thinks it expedient for the Protection of the Rights of the Parties interested therein, it may order such Money to be placed to such Account as the Court directs, in trust to attend the Orders of the Court,

As to Disposal of Money not immediately distributable.

Court, and it may by its Order declare the Trusts affecting such Money so far as it has ascertained the same, or state the Facts found by it in relation to the Rights and Interests therein, and generally the Court may make such Orders with respect to any such Money, and the Investment or Application thereof, or the Payment thereof out of Court, as the Circumstances of the Case require.

As to Disposal of Deeds after Vesting Order made.

56. When the Court of Chancery has made a Vesting Order of Land in pursuance of this Part of this Act, all such Deeds and Evidences of Title delivered to the Court as relate exclusively to the Land, and which the Purchaser is entitled to, shall be delivered to him; and all other Deeds and Evidences of Title delivered to the Court relating to the Land or to any Part thereof shall be returned to the Parties entitled to the Custody thereof, but previously to the same respectively being so delivered or returned they shall be stamped or otherwise marked in such Manner as to give Notice to any Person inspecting such Deeds or Evidences of Title of the Proceedings taken by the Court in relation to the Land or any Portion of the Land comprised in such Deeds.

Vesting Order to direct Entry on Register. Contents of Vesting Order.

57. Every such Vesting Order may direct the Registrar to enter the Name of the Person entitled on the Register as the Proprietor of the Land with an indefeasible or qualified Title, as the Case may be, and in such Case the Order shall state the Name and Description of the Person entitled, and describe the Lands to be registered, with the Addition of the Incumbrances, if any, affecting such Lands, and such other Matters as the Court thinks fit to insert therein, including, in the Case of an Applicant entitled only to a qualified Vesting Order, a Statement of the Time or Event at or on which the Title, as registered, is to commence.

Registration with a qualified Title not to affect prior Claims.

58. The Registration of any Person as First Proprietor of Land with a qualified Title shall not affect or prejudice the Right of any Person claiming any Estate, Title, or Interest created or arising prior to the Time or Event at or on which the Title is stated on the Register to commence, but, save as aforesaid, shall have the same Effect as Registration with an indefeasible Title.

Entry of Discharge of Incumbrance.

59. Where upon the First Registration of the Land under a Vesting Order Notice of any Incumbrance affecting such Land has been entered on the Register, the Registrar shall, on Proof of the Discharge of such Incumbrance, enter a Memorandum of such Discharge on the Register, and upon such Entry being made the Incumbrance shall be deemed to be discharged.

60. Where

60. Where any Order has been made by the Court of Chancery vesting Land in a Purchaser, or where any Person has been registered with an indefeasible Title under a Vesting Order, any Person aggrieved by such Order or Registration may apply to the Court of Chancery to be reimbursed for any Injury he may have sustained, out of any Purchase Money that may be remaining in Court. Compensation to Persons aggrieved.

61. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and may direct the same to be paid to or apportioned among such Persons as it sees fit. As to Costs and Expenses.

62. The Lord Chancellor may from Time to Time assign the Duties by this Part of this Act vested in the Court of Chancery to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute the Duties imposed on it, and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper. As to Assignment of Duties.

PART III.

As to the Transfer of registered Land.

63. All registered Land, and every Part thereof, may be conveyed, charged, settled, dealt with, or affected in or by any of the following Modes or Dispositions; that is to say, Conveyance, &c. of registered Land.

First, by a Statutory Disposition in any of the Forms described in this Act:

Secondly, by Endorsement on the Land Certificate:

Thirdly, by Deposit of the Land Certificate:

Fourthly, by any Deed, Will, Judgment, Decree, or Instrument by which such Land, if not registered, might now according to Law be conveyed, charged, settled, devised, dealt with, or affected:

But no equitable Mortgage or Lien on registered Land shall be created by a Deposit of Title Deeds.

64. On the Occasion of any Sale, Mortgage, or other Disposition of registered Land, or of any Estate thereon, the Parties or their Agents, duly authorized, may attend at the Registry Office to complete the Transaction: The Description of the Land and of the Estate therein proposed to be conveyed shall be taken from the "Register of Estates" and "Record of Title," and inserted under the Attendance of Parties at Registry Office on Sale, &c. of registered Land.

the Superintendence of the Registrar in One of the Statutory Forms of Conveyance described in the Schedule hereto; and such Conveyance shall be executed by the Parties or their Agents in the Presence of and attested by such Persons as the Registrar shall approve of, and shall then and there (together with the Powers of Attorney) be delivered to the Registrar for the Purposes of Registration, who shall make the proper Entries in the Register accordingly.

Forms of Conveyance in Schedule hereto of registered Land.

65. The registered Proprietor of any Land, Estate, or Interest may convey or charge the same by the Forms of Conveyance mentioned in the Schedule hereto, and the same shall be as complete and effectual as any other Form of Conveyance would have been either at Law or in Equity.

Forms of Conveyance in Schedule as effectual as other Forms.

66. The Persons taking under the Statutory Forms of Conveyance mentioned in the Schedule to this Act shall take as fully and effectually as if the Estates, Rights, Powers, and Authorities expressed to be created and given by such Forms respectively had been conveyed, created, or granted by any of the Modes of Assurance now known to the Law.

Forms may be modified or altered.

67. The Forms contained in the Schedule may be modified or altered in Expression to suit the Circumstances of every Case, and the Conveyances made in such altered Forms shall be equally valid and effectual.

As to Land Certificates.

Registrar to deliver Land Certificates.

68. The Registrar shall, upon Request, deliver to every Person who is named or described in the Record of Title as the Owner of any Estate or Interest in Lands upon the Registry a Certificate (herein called a Land Certificate) under the Seal of the Office, and signed by the Registrar, which Certificate shall contain, first, a Copy of the Description of the same Lands as appearing in the Registry of Estates, with all the Entries relating thereto, and secondly, a Copy of the Entries relating to the same Lands appearing in the Record of Title, and thirdly, a Copy of the Entries in the Registry of Incumbrances of the Mortgages, Charges, Claims, and Liens on or affecting the Estate and Interest of such Owner; and such Certificate shall certify whether such Lands are registered with or without an indefeasible Title, and shall be distinguished by the Number under which the Lands are registered in "The Register of Estates," and shall contain all such other Particulars as are material or useful for the Purpose of manifesting the exact Nature of such Owner's Estate and Interest.

69. At

69. At the Request of the Holder, the Registrar shall at any Time compare such Land Certificate with the Registry, and, if there has been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Registry, and shall sign the same, and add the Date of such Signature: Any Alteration or Omission which can be conveniently made in a Land Certificate, or any Addition thereto, so as to make the same correspond with any Alteration in the Registry, may be made and signed by the Registrar, if he shall think fit: A new Land Certificate may be granted on the Delivery up of the former Certificate: A Certificate shall be granted to any Person who shall appear by the Register of Incumbrances to be entitled to any Mortgage, Charge, or Incumbrance on registered Lands, which Certificate shall contain a Description of the Lands and the Particulars of the Incumbrance.

Registrar, at Request of Holder, to compare Certificate with Registry.

70. Whenever any registered Proprietor shall be desirous of selling, mortgaging, or settling any registered Land or Estate therein he may obtain from the Registrar a special Land Certificate for that Purpose, which shall contain an exact Description of the Land proposed to be so dealt with taken from the Register of Estates, and shall also state the Nature of the Estate and Interest of such Proprietor therein, and the Particulars of the Incumbrances, if any, affecting the Land described: Such Certificate shall be conclusive Evidence of the Title of the registered Proprietor to the Land as appearing by the Record of Title: No Entry shall be made by the Registrar in the Registry of any Deed, Instrument, Act, or Transaction affecting the Land comprised in such special Certificate, and the Estate of the registered Proprietor described therein, except on the Delivery up of such Certificate, until Fourteen Days have expired from and after the Day of the Date thereof: A Note of such special Certificate shall be entered in the Record of Title and in the Register of Incumbrances, and also on the original Land Certificate.

Registered Proprietors desirous of selling, &c. may obtain special Land Certificate.

71. Every Land Certificate shall be Evidence of the several Matters therein contained.

Certificate to be Evidence.

72. The Lands, and the Estate therein of the Owner, described in such Land Certificate, may be effectually conveyed or charged by Endorsement thereon, according to any of the Forms of Assurance by Endorsement contained in the Schedule to this Act.

Conveyance of Lands by Endorsement.

73. The Deposit of the Land Certificate shall, for the Purpose of creating a Lien on the Estate and Interest of the Depositor, have the same Effect as a Deposit of the Title Deeds of the Estate would have had before the passing of this Act; and any Agreement or Memo-

Deposit of Certificate.

Memorandum in Writing relating to such Deposit shall be chargeable with the same Stamp Duty as an Agreement accompanied with a Deposit of the Title Deeds would be chargeable with.

Estates, &c. in Land may be created by Will, &c.

74. Every Person having a sufficient Estate or Interest in registered Land, may by Will, Deed, or other Instrument create the same Estates and Interests in, and enter into the same Contracts and Engagements with respect to such Land as he might do if the Land were not registered: Provided always, that no unregistered Estate or Interest, Contract or Engagement, for the Registration whereof Provision is made by this Act, shall prevail against the Title of any subsequent Puschaser for valuable Consideration duly registered under this Act.

On Conveyance of Estate, &c. on Register, Deed or Copy to be sent to Registrar.

75. On the Execution of any Deed or Instrument conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register, the Original, or a Copy of such Deed or Instrument, shall be sent to the Registrar by the Grantee or Person taking Benefit under the same: Such Copy shall be compared with the Original in such Manner as the Registrar shall direct, who shall require the Original to be produced or inspected for that Purpose in such Manner as he shall think fit; and such original Deed or Instrument shall in every such Case be stamped or endorsed so as to give Notice of the Registration thereof under this Act to every Person to whom the same may be afterwards produced.

When Deed received by Registrar, Estate created to be deemed duly registered.

76. So soon as the Original or the Copy of any Deed or Instrument in Writing whatsoever affecting registered Land, or creating or affecting any Estate or Interest therein, has been received by the Registrar, such Deed or Instrument, and the Estate and Right created thereby, shall be deemed to have been duly entered on the Registry: An Official Note of Reference to such Deed or Instrument shall forthwith on Receipt thereof be made by the Registrar in "The "Record of Title," or "Register of Incumbrances," as the Case may be: Provided always, that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to have been entered upon the Registry so as to affect any Land comprised in any such special Certificate as herein-before mentioned, until after the Expiration of the Time herein-before limited for the Entry of any Deed, Instrument, Act, or Transaction affecting such Land.

Notice when to be sent to Registrar.

77. Notice of every Instrument transferring, or in anywise dealing with or affecting the Ownership of or the Right to receive Money due on any Mortgage, Charge, or Incumbrance entered on the Registry, shall be given to the Registrar, who shall note the same in the "Registry of Incumbrances."

78. Where

78. Where the Estate or Interest of a registered Proprietor is transmitted on his Death to any other Person by Descent, Will, or Representation, such other Person shall be entered on the Register in the Place of the deceased Proprietor: If such Person cannot be ascertained, or there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of such deceased Proprietor, it shall be lawful for the Court of Chancery to appoint a Person to be registered in the Room of such deceased Proprietor as the Representative of such Estate or Interest.

Where Estate transmitted to any Person by Descent such Person to be registered.

79. On the Application of any Devisee for Registration of a Will, or of his Estate or Interest under the same, the Registrar may require Notice to be given to the Heir at Law of the Testator.

Notice to be given to Heir at Law of Application for Registration of a Will.

80. On the Bankruptcy of any registered Proprietor, the Assignee or Assignees of his Estate shall be entitled to be registered in his Place.

In case of Bankruptcy Assignees to be registered.

81. In lieu of a Copy of a Will, a Memorial thereof, containing a Copy of all the Provisions in the Will relating to or affecting any registered Land, may be delivered to the Registrar for the Purpose of Registration: Provided that the Registrar shall ascertain the Sufficiency of the Memorial by an Examination of the Will or a Copy thereof.

Memorial of Will may be registered instead of Copy thereof.

82. The Execution of the original Deed, Will, or Instrument so proposed to be registered, and the Exactness of every Copy or Memorial delivered for Registration, shall be proved in such Manner as the Registrar shall from Time to Time require.

Execution to be proved as Registrar may require.

83. Memorials of Descents, Deaths, Marriages, and of the Evidence thereof respectively, and such other Memorials and Evidence of Matters relating to registered Lands as the Registrar shall, on the same being delivered to him, deem important, shall be registered, but all such Documents shall be printed for that Purpose.

Memorials of Descents, &c. to be registered, &c.

84. On receiving any Instrument hereby directed to be registered the Registrar shall make an Official Note of the Effect of every such Instrument, Judgment, Order, or Decree in the Record of the Title of the Person whose Estate or Interest is affected thereby, and he shall also enter on the Record of Title a Reference to the Book and Page of the Book containing such registered Instrument or Memorial.

Registrar to note Effect of Instruments, &c.

85. An Official Note of an Instrument entered on the Register may consist of a Reference to such Instrument, or of an Extract therefrom,

Official Note, what to contain.

therefrom, or of a short Statement of the Effect or Nature thereof, or of an Intimation that no Disposition is to take place without the Consent of some Person named in such Instrument, or of such Matters and in such Form as the Registrar shall deem right, or as shall be from Time to Time directed or allowed by any General Order.

Printed Copy of Deed, &c. to be delivered to Registrar.

86. For the Purpose of Registration a printed Copy of every Deed or Instrument not testamentary under or by virtue of which any Interest or Right is claimed in or to any registered Land may be delivered to the Registrar, but if the Original or a written Copy of any such Deed or Instrument be delivered to the Registrar, the same shall be printed by his Order, but at the Expense of the Person registering the same.

Registrar in certain Cases may erase Official Note.

87. The Registrar, upon the Application of the Person entitled under any registered Instrument, or upon its being proved that the Purpose of such Instrument is determined or satisfied, may remove the same from the Register and erase or cancel any Official Note thereof, and thereupon such Instrument and any Memorial thereof may be destroyed or otherwise dealt with as the Registrar may think fit.

No Dealing with registered Land effectual until Stamp and ad valorem Duties paid.

88. No Dealing with any registered Land, nor any Instrument or Transaction affecting the same, or any Estate or Interest therein, shall be completed, entered, or noticed on the Register until the Registrar shall be satisfied that the Stamp and *ad valorem* Duties which would be payable to Government in respect of the same Matters have been duly paid.

PART IV.

General Provisions to facilitate Registration.

Money Charge not ascertained, &c. may be referred to Judge at Chambers.

89. If on the Examination of any Title it shall appear that the Land or any Part of it is subject to any Money Charge or Incumbrance, the Ownership of which is not ascertained, or the Right to which is doubtful or uncertain, or to any doubtful or uncertain Right or Claim which may be estimated or compensated by Money, and does not involve a Right to the Land itself otherwise than as a Security for Money, the Case may, at the Request of the Applicant for Registration, be referred to a Judge of the Court of Chancery sitting in Chambers for the Purpose of determining whether such Right or Claim and the Costs of any Party entitled by virtue thereof can be justly provided for by Payment of Money into Court, and if so to fix the Sum to be so paid in, and direct the Investment and Application of the Interest thereof; and after such Payment shall have

have been made the Land and the Title thereto shall be wholly discharged from such Right, Claim, Charge, or Incumbrance as fully as if the same had never existed.

90. Where any Part of the Money arising from the Sale of a registered Estate is not immediately distributable, or the Persons entitled thereto cannot be fully ascertained, it shall be competent for One of the Judges of the Court of Chancery, on any Application for that Purpose made with the Concurrence of the Registrar, to direct any Sum of Money arising from such Sale to be paid into the Court of Chancery, or otherwise invested, and to declare the Account or Purpose to or for which such Money is to be transferred or holden, and afterwards to make all such Orders touching such Money, and the Investment, Application, and Distribution thereof, as the Circumstances of the Case may require.

Judge may order Money not distributable, &c. to be paid into Court of Chancery.

91. When an Estate is entered on the Register, whether with or without an indefeasible Title, all such Deeds and Evidences of Title as shall be produced to the Registrar, under any of the Provisions aforesaid, shall be stamped or endorsed in such a Manner, under the Direction of the Registrar, as to give Notice to any Person to whom such Deeds or Instruments may be afterwards produced that the Land, or some Portion of the Land comprised therein, has been registered under this Act.

Deeds to be stamped.

92. If in any Proceeding under this Act any Question shall arise respecting the Priority of any Charges or Incumbrances, Claims or Interests, it shall be competent to the Registrar to report the same to a Judge of the Court of Chancery, who shall have Power to summon all Parties interested to attend him either in Court or at Chambers, and to decide all Questions touching the Priority and relative Rights of the Parties, as fully as if they were Parties to a Suit instituted for the Purpose.

Judge may decide Questions of Priority of Incumbrances, &c.

As to Restraint of Conveyance.

93. Where the registered Proprietor of any Land or Charge is desirous for his own Sake, or at the Request of some Person beneficially interested in such Land or Charge, to place Restrictions on transferring or charging such Land or Charge, such Proprietor may, upon Application to the Registrar, direct that no Transfer shall be made of or Charge created on such Land or Charge, unless the following Things, or such of them as he may prescribe, are done; (that is to say,)

As to Restrictions on Conveyance, &c. of Land.

Unless Notice of any Application for a Transfer or Creation of a Charge is transmitted by Post to such Address as he may specify to the Registrar:

Transfer of Land.

Unless the Consent of some Person or Persons, to be named by such Proprietor, is given to the Transfer or Creation of a Charge:

Unless some such other Matter or Thing is done as may be required by the Applicant and approved by the Registrar.

Registrar to make a Note of such Restrictions.

94. The Registrar shall thereupon make a Note of such Directions on the Record of Title of such Proprietor, or otherwise as he shall think fit, and no Transfer shall be made or Charge created except in conformity with such Directions; and any such Directions may at any Time be withdrawn or modified at the Instance of all the Persons for the Time being appearing to the Registrar to be interested in such Directions, and shall also be subject to be set aside by the Order of a Judge of the Court of Chancery.

Court of Chancery may exercise Powers of 13 & 14 Vict. c. 60.

95. For the Purpose of authorizing or compelling a Transfer to be made of any registered Land or Charge, the Court of Chancery may exercise all such Powers as are vested in it by the Trustee Act, 1850, or by any Act amending the same, in relation to Transfers of Stock.

Caution.

Person interested may lodge Caution with Registrar.

96. Any Person interested under an Agreement, or otherwise howsoever, in any Land or Charge registered in the Name of any other Person, may lodge a Caveat with the Registrar to the Effect that no Disposition of such Land or Charge be made until Notice has been served upon the Cautioner.

Caution to be supported by Affidavit.

97. The Caveat shall be supported by an Affidavit made by the Cautioner or his Agent, in such Form as the Registrar shall direct, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

Statutory Disposition of Land not to be registered until Notice served on Cautioner.

98. After any such Caveat has been lodged in respect of any Land or Charge, the Registrar shall not register any Disposition thereof until he has served Notice on the Cautioner, warning him that his Caveat will cease to have any Effect after the Expiration of Twenty-one Days next ensuing the Date of such Notice; and after the Expiration of such Time as aforesaid the Caveat shall cease, unless an Order to the contrary is made by the Court of Chancery, and upon the Caveat so ceasing the Land or Charge shall be dealt with in the same Manner as if no Caveat had been lodged.

Cautioner to give Security

99. If before the Expiration of the said Period of Twenty-one Days the Cautioner, or some other Person on his Behalf, appears before

Transfer of Land.

before the Registrar, and enters into a Bond, with sufficient Security, conditioned to indemnify every Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, the Court of Chancery may thereupon, if it thinks fit so to do, make an Order on the Registrar requiring him to delay registering any Disposition of the Property for such further Period as is mentioned in the Order.

against Damage sustained by Delay of Disposition of Property.

100. If any Person lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just.

Compensation for lodging Caution without reasonable Cause.

Injunction.

101. The Court of Chancery may, without Prejudice to the Exercise of any other Power of the Court, upon the Application of any Person interested in any registered Land made in such Manner as the Court directs, issue an Order restraining for a Time, or until the Occurrence of an Event to be named in such Order, or generally until further Order, any Disposition of any Land or Charge.

Court of Chancery may issue Order restraining Disposition of Land, &c.

102. The Court may make or refuse any such Order, and annex thereto any Terms or Conditions it may think fit, and discharge such Order when granted, with or without Costs, and generally act in the Premises in such Manner as the Justice of the Case requires; and the Registrar, without being made a Party to the Proceedings, upon being served with such Order or an official Copy thereof, shall obey the same.

Court of Chancery may annex Terms, &c. to such Order.

103. Nothing contained in this Act shall take away or affect the existing Jurisdiction of Courts of Equity, on the Ground of actual Fraud.

Jurisdiction of Courts of Equity.

104. The Provisions of the several Acts of Parliament now in force relating to the Registries which have been established in the Counties of *Middlesex* and *York* shall cease to be applicable to any Land situate in the said Counties respectively, so soon as the same Land has been put upon the Register under the Provisions of this Act, and whilst it remains thereon.

Acts relating to Registries in Middlesex and York not to apply to Land on Register under this Act.

Penalty on Fraud, &c.

105. If in any Proceeding to obtain the Registration of any Land, or any Land Certificate or Certificate of Title, or otherwise in any Transaction relating to Land which is or is proposed to be put upon the

Person making false Statement guilty of Misdemeanor.

the Registry, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from any Judge, or the Registrar, or any Person employed by or assisting the Registrar, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award: The Act or Thing done or obtained by means of such Fraud or Falschood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

As to Persons aggrieved by Proceeding, &c. for any Act declared a Misdemeanor.

106. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Answers to Bills, Questions, &c. not admissible in Evidence.

107. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding, in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

OFFICE OF LAND REGISTRY, POWERS OF COURT OF CHANCERY, AND MISCELLANEOUS.

Establishment of Office of Land Registry.

108. An Office, to be called the Office of Land Registry, shall be established, and the Business of such Office shall be conducted by a Registrar, with the Aid of such Number of Assistant Registrars not exceeding Three, Examiners of Title, Clerks, Messengers, and Servants as the Lord Chancellor may fix with the Consent of the Commissioners of Her Majesty's Treasury.

Appointment of Registrar.

109. The Registrar shall be a Serjeant-at-Law or Barrister of Ten Years standing at least: He shall be appointed by Her Majesty by Letters Patent, and shall hold his Office during good Behaviour: Upon any Vacancy occurring in the Office of Registrar, Her Majesty may, by Letters Patent, appoint a Person to fill such Vacancy.

Appointment of Assistant Re-

110. The Assistant Registrars and Examiners of Title shall be appointed by the Lord Chancellor, and may be removed by him for Negligence,

Negligence, Want of Skill, Untrustworthiness, or Inability to perform their Duties; the Clerks shall be also appointed by the Lord Chancellor, and shall hold their Offices during his Pleasure; and upon any Vacancy occurring in the Office of any Assistant Registrar, Examiner of Title, or Clerk, the Lord Chancellor may appoint another Person in his Place: The Messengers and Servants shall be appointed by the Registrar, and shall hold their Office during the Pleasure of the Registrar; and all such Assistant Registrars, Clerks, Messengers, and Servants shall, in the Execution of their Duties, conform to such Regulations as may be issued by the Registrar. gistrars and Examiners of Title.

111. There shall be paid out of Monies to be provided by Parliament, Salaries of Officers.

To the Registrar a Salary of Two thousand five hundred Pounds a Year:

To the Assistant Registrars, Clerks, Messengers, and Servants, such Salary as the Lord Chancellor, with the Consent of the Commissioners of the Treasury, shall determine:

All incidental Expenses of carrying this Act into effect.

112. Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, grant to any Registrar, after a Service of Twenty Years if he shall have then attained the Age of Sixty Years, or in the event of his being disabled by permanent Infirmity from the Performance of the Duties of his Office, a Pension by way of Annuity not exceeding Two Thirds of his Salary to continue during his Life. Retiring Pension of Registrar.

113. The Lord Chancellor may, with the Consent of the Commissioners of Her Majesty's Treasury, order to be paid to any Officer or Person employed in the Registry Office, other than the Registrar and Examiners of Title, who is disabled by permanent Infirmity from the Performance of the Duties of his Office, or who has attained the Age of Sixty Years, and has served in the Registry Office for Twenty Years, and is desirous of resigning, such Superannuation Allowance as is authorized with respect to Persons in the permanent Civil Service of the State by "The Superannuation Act, 1859." Superannuation of Officers other than Registrar.

General Provisions.

114. With respect to Lands vested in Her Majesty, Her Heirs or Successors, either in right of the Crown or of the Duchy of *Lancaster* or otherwise, or vested in any Public Officer or Body in trust for the Public Service, the Public Officer or Body having the Management thereof, if any, or, if none, then such Person as Her Crown, &c. Lands.

Majesty, Her Heirs or Successors, shall by Writing under Her Sign Manual appoint, may and shall (whether the Land be vested in him or them or not) represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to such Notices, and may make and enter any such Application or Caveat, and do all such other Acts, as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and with respect to Lands belonging to the Duchy of *Cornwall*, such Person as the Duke of *Cornwall* for the Time being, or as the Personage for the Time being entitled to the Revenues and Possessions of the Duchy of *Cornwall*, shall in Writing appoint, may and shall act as and represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to receive such Notices, and may make and enter any such Application or Caveat, and do all such other Acts as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and it shall be sufficient that any Oaths, Affidavits, or Declarations required by this Act be taken or made by any such Public Officer, Body, or Person as in this Section mentioned, or by any Person nominated in Writing by any such Public Officer, Body, or Person, and in either Case, without any Solicitor joining in any Affidavit or Declaration; and it shall not be necessary for any such Public Officer, Body, or Person as in this Section mentioned to enter into any such Bond as in this Act mentioned, nor to give any Security for Costs, nor shall they or ny of them be liable in Damages except for any Acts done wrongfully and without reasonable Cause.

Provision as to Applications made by married Women.

115. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Court or by such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-four, "for the "Abolition of Fines and Recoveries, and for the Substitution of "more simple Modes of Assurance;" and the Form and Manner in which such Examination is to be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: A married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole.

Examinations may be taken under 3 & 4 W. 4. c. 74.

116. Where

116. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court of Chancery to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Provision for other Persons under Disability.

117. The Registrars and Assistant Registrars are hereby empowered to administer Oaths and take Statutory Declarations in lieu of Oaths in all Proceedings under this Act.

Registrars, &c. may administer Oaths, &c.

118. If any Land Certificate is lost or destroyed, the Registrar may, upon being satisfied of the Fact of such Loss or Destruction, grant a new Land Certificate in the Place of the former one, and shall state upon the Face thereof that it is granted in substitution for the former Certificate; but no such new Certificate shall be of any avail against any Person who may have already derived Title under the former Certificate.

As to Loss of Land Certificate.

119. The Registrar may, upon the Delivery up to him of a Land Certificate, grant a new Certificate in the Place of the one delivered up.

Granting of new Certificates.

120. The Lord Chancellor, with the Advice and Assistance of any Two of the Judges of the Court of Chancery, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times, Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters of this Act, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority;

Lord Chancellor to make Rules and Orders for carrying into effect Purposes of Act.

Authority; and all such Rules and Orders shall take effect as General Orders of the Court.

As to Assignment of Duties and Appointment of additional Clerks.

121. The Lord Chancellor may from Time to Time assign the Duties vested in the Court of Chancery in relation to the Matters of this Act to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute such Duties; and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper.

Forms to be printed and promulgated.

122. The Registrar shall, with the Sanction of the Lord Chancellor, frame, and cause to be printed and promulgated, as he sees Occasion, Forms of Applications, and Directions indicating the Particulars of the Information to be furnished when any Application is made to him under this Act, and also Forms of Instruments, and such other Forms and Directions as he may deem requisite or expedient for facilitating Proceedings under this Act.

Seal of Land Registry Office.

123. A Seal shall be prepared for the Land Registry Office; and any Instrument purporting to be sealed with such Seal shall be admissible in Evidence.

Addresses of Proprietors to be registered.

124. A Place of Address shall be given to the Registrar for every Person in *England* whose Name is entered on the Register of Title as Proprietor of Land, of a Charge, or as Cautioner, or as entitled to receive any Notice, or in any other Character.

Registrar may frame General Orders.

125. The Registrar shall, with the Sanction and under the Direction of the Lord Chancellor, from Time to Time frame General Orders for regulating the Manner of registering Land, the Examination of Titles, the Transfer, Transmission, and Withdrawal of Official Notes and Caveats, the keeping the Registers of Title and Assurances, and generally for the due Execution of the Provisions of this Act, and for giving Effect to the Objects thereof.

Such Orders to have effect as Act of Parliament.

126. Any General Orders so made by the Registrar with such Sanction as aforesaid shall be of the same Force as if enacted by Parliament: They may from Time to Time be rescinded, added to, amended, or altered in like Manner.

Fees.

Registrar to determine Amount of Fees.

127. The Registrar shall, with the Sanction of the Lord Chancellor, determine the Amount of Payments to be made with respect to the following Matters:

The First Entry on the Register of Title of Land and Charges on Land:

The

The Registration of Transfers and Transmissions of Land and Charges, and all other Matters to be done by the Registrar:

The Registration of Instruments and the Withdrawal of such Instruments:

And the Registrar may, with the like Sanction, from Time to Time alter any Amounts so determined, but all Payments mentioned in this Section shall be paid into the Receipt of Her Majesty's Exchequer, and carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

128. In determining the Amount of Fees payable in respect of Entries on the Register of Title under this Act, regard shall be had to the following Matters: Matters to be considered in determining Amount of Fees.

1. In the Case of the Registration of Land or of any Transfer of Land on the Occasion of a Sale,—to the Value of the Land as determined by the Amount of Purchase Money:
2. In the Case of the Registration of Land, or of any Transfer of Land not upon a Sale,—to the Value of the Land, to be ascertained in such Manner as may be directed by General Order:
3. In the Case of Registration of a Charge, or of any Transfer of a Charge,—to the Amount of such Charge:

Subject, nevertheless, to the Qualifications following:

A maximum Amount shall be fixed, and in Cases where the Value of any Land or the Amount of any Charge exceeds such Maximum, Fees may be made payable in respect of such Excess on such a reduced Scale as may be thought expedient:

Where increased Labour is thrown on the Registrar by reason of the Severance of the Parcels of an Estate, the Entry of a new Description of Parcels, or of any other Matter, an increased Sum may be charged.

129. The following Rules shall be observed with respect to the Collection of Fees: Collection of Fees.

1. All Fees payable in respect of Registration shall be received by Stamps denoting the Amount of Fees payable, and not in Money:
2. When any Fee is payable in respect of a Document, a Stamp denoting the Amount of Fee shall be affixed to such Document:
3. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

130. The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Stamp Acts applied to Stamps under this Act.

Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Lord Chancellor may fix Scale of Costs.

131. The Lord Chancellor may from Time to Time fix a Scale of Fees to be paid to the Examiners of Title, and also of Costs to be paid to Solicitors or certificated Conveyancers, in respect of any Service rendered by them in any Matter relating to Proceedings under this Act; and he may from Time to Time alter any such Scale when fixed, and any Scale of Costs so fixed may, if the Lord Chancellor thinks fit, be based on an *ad valorem* Principle.

Costs of Registration may, in certain Cases, be raised by Mortgage.

132. Where Registration is made on the Application of Parties who cannot make a valid Charge on the Fee Simple, the Court of Chancery may declare that the Costs and Expenses of Registration may be raised by a Mortgage of the Fee Simple, and the same shall be charged accordingly.

Orders to be laid before Parliament.

133. All General Orders, Scales of Fees, and Costs made and fixed under this Act, shall be laid before Parliament forthwith, if Parliament is sitting, or if not, within Fourteen Days after the next Sitting of Parliament.

Proceedings in Court of Chancery.

Applications to Court of Chancery to be by Summons.

134. All Applications to be made to the Court of Chancery under this Act may be made by Summons in Chambers; and any Power by this Act given to the Court of Chancery may, subject to any Order by the Lord Chancellor as aforesaid, be exercised by any Judge of the Court sitting in Chambers; such Judge shall have the Power of directing any Matter before him to be argued in Court, and of directing any Bill to be filed or Action to be brought that may be necessary: Any Person aggrieved by an Order made by a Judge of the Court of Chancery may appeal to the Court of Appeal in Chancery, in such Manner, within such Time, and subject to such Regulations and Limitations, as the Lord Chancellor may prescribe; and any Order made by the Court of Appeal in Chancery on Appeal shall be subject to Reversal or Modification by the House of Lords, in like Manner as Decrees made by the Court of Chancery; provided that such Appeal is made within such Time and subject to such Regulations as the House of Lords may provide by any Standing Order.

135. Any

Transfer of Land.

135. Any Proceeding, Matter, or Thing whatsoever directed or required by the Provisions of this Act to be done or performed by Solicitors of the High Court of Chancery, either in the Exercise of their Profession of Solicitors or as attesting Witnesses to any Deed or Instrument for the Transfer of Land, Mortgage, Document, or other Instrument under the Provisions of this Act, or in any other Manner whatsoever, shall and may be done, exercised, and performed by any Solicitor of the Courts of Chancery of the Counties Palatine of *Durham* and *Lancaster*. Extension to Solicitors of Counties Palatine of Durham and Lancaster.

Forms.

136. The Forms in the Schedule hereto shall be used in all Matters to which they refer: The Registrar, with the Sanction of the Lord Chancellor, may from Time to Time make such Alterations in such Forms contained in the Schedule hereto as he deems requisite: He shall publish any Form, when altered, in the *London Gazette*, and upon such Publication being made it shall have the same Force as if it were included in the Schedule to this Act. Forms.

Inspection of Register.

137. Subject to such Regulations as may be imposed, and to the Payment of such Sums as may be fixed by the Registrar with the Sanction of the Lord Chancellor, any Person registered as Proprietor of any Estate or Interest in any Land or Charge, and any Person authorized by any such Proprietor, or by an Order of the Court of Chancery, but no other Person, may inspect and make Copies of and Extracts from any Register or Document in the Custody of the Registrar relating to such Land or Charge. Inspection of Register.

Fraud.

138. If any Person fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of any Order of the Court of Chancery in relation to registered Land, or fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of the Entry on the Register of any Caveat or Notice of a Charge, or of the Erasure from the Register or Alteration on the Register of any Caveat or Notice of a Charge, such Person shall be deemed to be guilty of a Misdemeanor; and any Order procured by Fraud, and any Act consequent on such Order, and any Entry, Erasure, or Alteration so made by Fraud, shall be void as between all Parties or Privies to such Fraud. Fraud a Misdemeanor.

139. Any Person convicted of a Misdemeanor under the last preceding Section shall be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall think just. Punishment.

140. In

Interpretation of Terms.

140. In the Construction of this Act (except where the Context or other Provisions require a different Construction), the Word "Person" shall include Her Majesty, Her Heirs and Successors, and the Duke of *Cornwall* for the Time being, and also a Body Politic or Corporate; the Word "Possession" shall include Receipt of the Rents and Profits; the Word "Land" shall include Messuages, Tenements, and Hereditaments, corporeal or incorporeal; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate, and also any Money secured or charged on Land by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity, and also any Legacy, Portion, Lien, or other Charge whereby a gross Sum of Money is secured to be paid, and also any annual or periodical Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge, for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity.

SCHEDULE.

Form of Transfer of Land.

Dated this Day of

I *A.B.* of, *&c.*, in consideration of [Five thousand Pounds] paid to me, grant to *C.D.*, *&c.*, and his Heirs, for ever, all [*insert Description*].

(*Signed and sealed by A.B.*)

Witness,
E.F. of, *&c.*,
A Solicitor of the High Court of Chancery,
or a certificated Conveyancer.

Form of Mortgage.

Dated this Day of

I *A.B.*, in consideration of [Five thousand Pounds] lent to me by *C.D.*, grant to *C.D.* and his Heirs the Hereditaments as described in the Schedule, to secure to *C.D.* the Payment of the Principal Sum of [Five thousand Pounds] on the Day of and Interest at Five per Cent. in the meantime, half-yearly. *C.D.* shall have Power to sell on default of Payment of the Principal or Interest or any Part thereof respectively.

(*Signed and sealed, &c.*)

Witness (*as above*).

Form of Transfer by Indorsement.

I, the within named *A.B.*, in consideration of [Five thousand Pounds] paid to me by *C.D.*, transfer to *C.D.* the within mentioned Lands.

Dated, *&c.*

(*Signature and Seal.*)

Witness (*as above*).

Form of Transfer of Charge.

I, the within named *A.B.*, in consideration of [Five thousand Pounds] paid to me, do transfer to *C.D.* the within mentioned Mortgage.

Dated, *&c.*

(*Signature and Seal.*)

Witness, *&c.*

FORM OF POWER OF ATTORNEY TO MAKE TRANSFERS.

I *A.B.* do appoint *C.D.* my Attorney to transfer to *E.F.*, absolutely [*or* by way of Mortgage, *as the Case may be*,] all my Lands as entered and described in the Register of Estates under No. 129 and my Estate therein.

(*Signed and sealed.*)

Witness,
A.B.,
Solicitor of the Court of Chancery,
or, a certificated Conveyancer.

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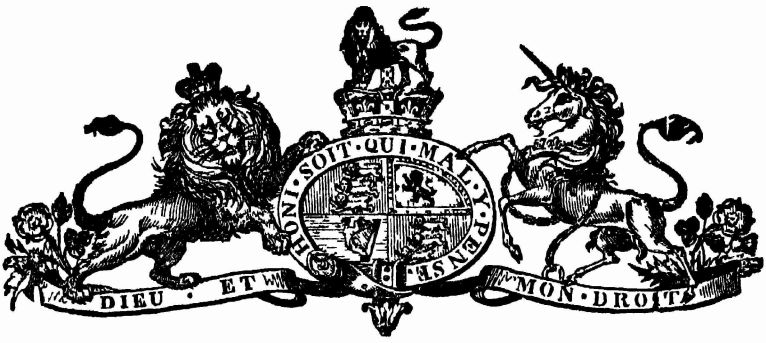

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LIV.

An Act to make further Provision respecting Lunacy in *Scotland*. [29th *July* 1862.]

WHEREAS an Act was passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in* Scotland; and another Act was passed in the Twenty-first and Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in* Scotland: And whereas it is expedient to continue the General Board of Commissioners in Lunacy constituted by first-recited Act, and to amend certain of the Provisions of the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 71.

21 & 22 Vict. c. 89.

1. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them:

Interpretation of Terms.

"Board" shall mean the General Board of Commissioners in Lunacy for *Scotland* constituted by the said first-recited Act:

"Secretary" shall mean the Secretary of the Board for the Time being:

"Lunatic Wards of a Poorhouse" shall mean those Wards or Parts of a Poorhouse sanctioned by the Board for the Reception and the Detention of Pauper Lunatics:

"Medical Person" shall mean any Person registered as a Practitioner in Medicine or Surgery, pursuant to the Act Twenty-first and Twenty-second *Victoria*, Chapter Ninety:

"Lunatic," when used in this and the recited Act, shall mean and include every Person certified by Two Medical Persons to be a Lunatic, an insane Person, an Idiot, or a Person of unsound Mind:

"Pauper Lunatic" shall mean and include any Lunatic towards the Expense of whose Maintenance any Allowance is given or made by any Parochial Board:

"Sheriff" shall include Sheriffs Substitute:

"Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor and all Persons having any pecuniary Interest therein, or in the Profits to be derived therefrom, and also the Governor of any Poorhouse in which Pauper Lunatics are kept, and the Proprietor or any Person or Persons having a pecuniary Interest in any other Licensed House for the Reception of Lunatics.

Provisions as to Appointment of Deputy Commissioners continued

2. The Provisions of the said Act in regard to the Appointment of Deputy Commissioners shall be and are hereby continued until the First Day of *August* One thousand eight hundred and sixty-four.

Board may license Lunatic Wards of Poorhouses.

3. It shall be lawful for the Board to license Lunatic Wards of Poorhouses for the Reception and Detention, on the Order of the Sheriff, of such Pauper Lunatics only who are not dangerous, and do not require curative Treatment, subject to such Rules and Conditions as the Board may prescribe; and the Board may also, if they shall be satisfied that good Reasons exist therefor, continue all Licences that have been already granted to Lunatic Wards of Poorhouses.

Board may sanction the Reception of Pauper Lunatics in Poorhouses.

4. It shall be lawful for the Board to sanction the Reception of Pauper Lunatics into Lunatic Wards of Poorhouses without the Order of the Sheriff, according to Forms and subject to Regulations approved of by the Board, and at any Time to withdraw such Sanction; and any Governor or Keeper of a Poorhouse who shall receive any such Lunatic without an Order by the Sheriff or Sanction of the Board, or detain any such Lunatic for more than Seven Days after the

the Withdrawal of such Sanction, shall be liable in a Penalty not exceeding Ten Pounds.

5. It shall be lawful for the Board to grant Special Licences to Occupiers of Houses, for the Reception and Detention therein of Lunatics, not exceeding Four in Number, subject to such Rules and Regulations as the Board may appoint, and to exempt the Holders of such Special Licences from the Payment of any Fee, or of any Sum whatever in respect thereof; and, except in so far as expressly exempted by the Board, the Holders of such Licences shall be subject to the whole Provisions applicable to the Keepers or Superintendents of Private Asylums in the recited Acts and this Act contained; and the Board, in the Case of a Lunatic who is a Pauper, on the Application of the Inspector of the Poor of the Parish liable at the Time for the Maintenance or interim Maintenance of such Lunatic, or in any other Case, on the Application of any one legally entitled to make the same, accompanied by Medical Certificates in the Forms herein-after prescribed, may sanction the Reception and Detention of such Lunatic in any House so specially licensed: Provided that no Lunatic shall be received into any such House without the Sanction of the Board, granted according to the Forms and Regulations approved of by them; and any Person receiving any Lunatic into any House specially licensed as aforesaid, or being concerned in the Disposal of such Lunatic without the Sanction of the Board, shall be liable to a Penalty not exceeding Ten Pounds.

Board may grant Special Licences for Reception in Houses of not more than Four Lunatics.

6. If any Person desirous of being received into any Public, Private, or District Asylum, or into any House specially licensed for the Reception of Lunatics as aforesaid, shall make a Declaration to that Effect before the Sheriff of the County in which such Asylum or House is situate, and shall produce to such Sheriff a Certificate by a Medical Person that his Reception into and Treatment in such Asylum or House would be beneficial to his Case, and a written Consent by the Superintendent of such Asylum or House to receive him, it shall be lawful for such Sheriff to grant an Order for his Reception into such Asylum or House, which shall be a sufficient Warrant to such Superintendent to receive him accordingly, and to subject him to the Rules and Regulations of such Asylum or House: Provided always, that the said Superintendent shall, within Three clear Days after such Reception, and subject to a Penalty of Fifty Pounds in case of Default, transmit to the Board, and also to the said Sheriff, a Statement of all the Circumstances connected with such Application and Reception, together with his Opinion of the State of Mind of the Person so received, and of the Expediency or otherwise of

Provision for allowing Persons to enter Asylum voluntarily.

of his being detained in such Asylum or House, and shall make a similar Report once every Month thereafter, so long as such Person shall remain in such Asylum or House, under a similar Penalty; which Penalties may be sued for and recovered by the Secretary to the Board, and applied as Fees received for Licences are directed to be applied by the first recited Act; provided that it shall always be competent to such Person to depart from such Asylum or House unless the Superintendent thereof shall certify to the said Sheriff that he considers such Person to be in a State of Mind dangerous to himself or others; and it shall be lawful for the Board or for the said Sheriff respectively, if they or he shall see Cause, to order the immediate Discharge of such Person from the said Asylum or House, or to make such other Order as to them or him may in the Circumstances seem proper.

Board may grant Licences to charitable Institutions for imbecile Children without Fee.

7. It shall be lawful for the Board to grant Licences to any charitable Institution established for the Care and Training of imbecile Children, and supported in whole or in part by private Subscription, without exacting any Licence Fee therefor, and such Licence may be in Name of the Superintendent of such Institution for the Time being.

Care of Pauper Lunatics.

8. With the Sanction of the Board, Agreements and Arrangements may be made for the Reception and Detention of all or any of the Pauper Lunatics of any District, County, or Parish in any Public, Private, District, or Parochial Asylum or Hospital within or beyond the Limits of such District, County, or Parish.

Secretary of State may authorize the Board to apply to Court of Session.

9. Subject to the Provisions of the said first-recited Act and this Act, the Board, on a full Consideration of the Circumstances, may determine from Time to Time whether the Accommodation for any District is adequate, or what Addition ought to be made thereto, or whether a new District Asylum ought to be erected, and may in the event of a District Board failing to take such Steps as the Board may consider requisite toward providing Accommodation for the District, or contracting with an existing Asylum to such an Extent and in such Way as the Board may consider necessary, represent such Failure to One of Her Majesty's Principal Secretaries of State, who may thereupon communicate such Representation to the District Board, and after considering any Answer which may be made thereto, within such Time as he may appoint, such Secretary of State may authorize the Board to apply to the Court of Session in either Division, or during Vacation to the Lord Ordinary on the Bills, by summary Petition in Common Form, and the Court or Lord Ordinary shall, unless sufficient Cause be shown to the contrary, on advising such Petition, appoint a Person at whose Sight and Instance the whole Powers and Duties of the District Board relative to the providing of such

such Accommodation shall be performed, at the Expense of the District Board.

10. Any County or Parish which has, prior to the Date of the recited Act, provided Accommodation for its lunatic Paupers in whole or in part, to the Satisfaction of the Board, or which shall be entitled to such Accommodation in any existing Asylum, shall have such Relief, partial or total, from Assessments for building, furnishing, or maintaining an Asylum for the District within which such County or Parish is situate as the Board may consider reasonable.

Counties or Parishes providing Asylum Accommodation to be relieved from Assessments.

11. In the Case of any District Asylum where it shall appear to the Board, or to the District Board (the Consent of the Board being previously obtained), that it is desirable to acquire additional Ground for the Use of such Asylum, it shall be lawful for the District Board to acquire such additional Ground from the Proprietor or Proprietors of the Land immediately adjoining; and in the event of the Parties failing to agree as to the Price to be paid for such additional Ground, the same shall be settled and determined in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase and Value of Land otherwise than by Agreement: Provided always, that the Land so to be taken does not form Part of any Garden or Pleasure Ground, and shall not exceed Five Acres in Extent: Provided also, that if the Ground from which the same is taken forms Part of a Property not exceeding Twenty Acres in Extent, it shall be lawful for the Proprietor of the same to require that the Remainder of such Property shall also be acquired in the same Manner by such District Board.

Additional Grounds to District Asylums.

12. If in any District there shall be no District Asylum, it shall be lawful for the District Board of such District, with the Sanction of the Board, to dissolve itself, and on the Requisition and Order of the Board such District Board may again at any Time be revived; and where there is no District Asylum the Expenses incurred by the District Board may be paid by the Prison Board out of the Prison Assessments, or where any Ground has been acquired for the Erection of a District Asylum and now found not to be requisite either in whole or in part, it shall be lawful for the District Board to sell and dispose of the same or of any Part thereof, and to repay the Proceeds, after Payment of all Expenses and Liabilities incurred by the Board, to the Commissioners of Supply for the County or Magistrates of the Burgh, as the Case may be.

Where there is no Asylum District Board may dissolve itself.

13. Notwithstanding anything in the said recited Acts to the contrary implied or expressed with respect to the borrowing of Money for

District Boards may make Pro-

vision for Payment of Interest on borrowed Monies by fixed annual Instalments.

for the Purposes of said Acts, it shall be lawful for any District Board to make Provision for Repayment of Monies so borrowed, and of the Interest thereof, by annual Instalments of a fixed and uniform Amount, so long as any Part of the Principal Sums so borrowed remains unpaid.

Lunatics to be admitted by Order of the Sheriff and on Medical Certificate.

14. The Thirty-fourth Section of the first-recited Act is hereby repealed; and in lieu thereof, subject to the following Provisions, the Sheriff of any County in *Scotland* may grant an Order for the Reception into and Detention in any Asylum, Lunatic Ward of a Poorhouse, or House as before provided, of any Lunatic, if such Lunatic be resident or be found within such County, or if the Asylum, Lunatic Ward, or House mentioned in such Order be situate within such County; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) to the first-recited Act annexed, and setting forth the Degree of Relationship or other Capacity in which the Petitioner stands to such Lunatic, and also accompanied by Certificates in the Form of Schedule (D.) to the first-recited Act annexed, bearing Date within Fourteen clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, having no immediate or pecuniary Interest in the Asylum in which the Lunatic shall be placed, but One of whom may notwithstanding be the Medical Superintendent or Consulting or Assistant Physician of such Asylum, not being a Private Asylum; and such Orders shall be in the Form of Schedule (E.) to the first-recited Act annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Fourteen clear Days prior to the Reception of such Lunatic, or if such Order be granted by the Sheriff of *Orkney* and *Shetland*, within Twenty-one clear Days prior thereto; provided that the Superintendent of any Public, Private, or District Asylum may receive and detain therein, for any Period not exceeding Three Days, and without any Order by the Sheriff, any Person as a Lunatic, whose Case is duly certified to be One of Emergency by One Medical Person qualified as aforesaid.

Sheriff may commit dangerous Lunatics.

15. The Eighty-fifth Section of the first-recited Act is hereby repealed, and in lieu thereof when any Lunatic shall have been apprehended, charged with Assault or other Offence inferring Danger to the Lieges, or when any Lunatic shall be found in a State threatening Danger to the Lieges, or in a State offensive to public Decency, it shall be lawful for the Sheriff of the County in which such

such Lunatic may have been apprehended or found, upon Application by the Procurator Fiscal or Inspector of the Poor, or other Person, accompanied by a Certificate from a Medical Person, bearing that the Lunatic is in a State threatening such Danger, or in a State offensive or threatening to be offensive to public Decency, forthwith to commit such Lunatic to some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given, in some Newspaper circulated in the County within which such Lunatic was apprehended or found, of such Commitment, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named, and shall also direct Notice of the Application to be given to the Inspector of Poor of the Parish within which the Lunatic has been apprehended or found (where the Application is not presented by the Inspector of such Parish), and such further Notice as he shall think fit; and if the Inspector of the Parish does not within Twenty-four Hours undertake, to the Satisfaction of the Sheriff, to make due Arrangements for the safe Custody of such Lunatic, the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and in a State threatening Danger to the Lieges, or offensive to public Decency, he shall commit the Lunatic to any Asylum; and an Order authorizing the Superintendent of the Asylum to which the Lunatic may be committed to receive the Lunatic, and authorizing the Transmission of the Lunatic to such Asylum, shall be granted by the Sheriff in respect of every such Commitment; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and on being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security; and the Sheriff, at the Time of granting Warrant to commit such Lunatic to an Asylum, or thereafter in Proceedings following on the said Application, shall pronounce a Judgment finding the Amount of the Expenses connected with the said Application, Inquiry, and Procedure, as the same shall be taxed, and shall grant Decree for such Expenses against the Parish within which the Lunatic shall have been apprehended or found at large, and in favour of the Procurator Fiscal, or other Person (except the Inspector of the Poor) at whose Instance such Application shall have been made and such Inquiry and Procedure conducted, and shall also grant Decree against such Parish and in favour of the Procurator Fiscal or other such Person (except the Inspector of Poor), or in favour of the Superintendent or Keeper of the Asylum to which the Lunatic shall have been committed, for such Sum as may be necessary for the Maintenance of such Lunatic; and every such Decree shall be final and conclusive, and not subject to Review

Review or Reduction in any way or by any Process whatsoever; but the Parish so decerned against and paying such Expenses and Cost of Maintenance shall have Relief and Recourse therefor against the Lunatic and his Estate, and any of his Relatives legally liable for his Maintenance, and also against the Parish of Settlement of such Lunatic in the event of the Parish in which the Lunatic was apprehended or found at large not being the Parish of Settlement as accords of Law.

On Application of Person at whose Instance a Lunatic is detained, Board may authorize his Removal or Liberation on Probation without an Order of the Sheriff.

16. The Board may, on the Application of the Person at whose Instance any Lunatic is detained, or in the Absence of such Person on the Application of the nearest known Relative of such Lunatic, and in the Case of a Pauper Lunatic on the Application of the Inspector of Poor of the Parish by which the Expense of the Maintenance of the Lunatic is defrayed, authorize the Removal or Transfer of any such Lunatic from any Asylum or House in which he is detained to any other Asylum or House legally set apart for the Reception and Detention of such Persons, and without any Order of the Sheriff; and also on the like Application respectively may grant Authority for the Liberation on Trial or Probation of any Lunatic from any such Asylum or House for such Time and under such Regulations as the Board may consider necessary or proper; and during such Period of Probation or Trial the Warrant and Certificates on which the Detention of such Lunatic proceeded shall, in the Event of his requiring to be again received into any such Asylum or House, be sufficient for his Reception and Detention therein without a new Warrant and Certificate; and the Superintendent of any such Asylum or House shall be bound to receive any such Lunatic into his Establishment without any Order from the Sheriff, but shall, in all other respects, in so far as not inconsistent with this Act, be bound to comply with the whole other Provisions relating to the Reception, Detention, and Liberation of Lunatics in the recited Acts and this Act contained, under the Penalties therein and herein provided.

Superintendent to give Intimation of Recovery of a Lunatic.

17. When it shall appear to the Superintendent of any Asylum or House that any Lunatic detained therein has so far recovered that he may be safely liberated without Risk or Injury to the Public or the Lunatic, such Superintendent shall grant a Certificate to that Effect, or procure one from the ordinary Medical Attendant of such Asylum or House, and shall transmit a Copy thereof to the Person at whose Instance such Lunatic is detained, or in the Absence of such Person to the nearest known Relative of the Lunatic, and in the Case of a Pauper Lunatic to the Person or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed; and on the Failure, within Fourteen Days from the Despatch of such Copy Certificate of the Person to whom the same was transmitted to take Steps for the Liberation

Liberation of such recovered Lunatic, such Superintendent shall intimate the Facts to the Board, who may direct such Inquiry into the Circumstances as they deem necessary, and if satisfied that the Lunatic has recovered, or that he may be safely liberated without Risk or Injury to the Public or himself, the Board may order his Discharge forthwith.

If Parochial Board neglect to provide for Removal of a Pauper Lunatic, Board may take necessary Measures.

18. If any Parochial Board, after Intimation shall have been made to them in Terms of Section One hundred and twelve of the first-recited Act, and after Requisition by the Board, shall refuse or neglect for Twenty-one Days after such Requisition to provide for the Removal of a Pauper Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, the Board may take such Measures as are necessary for the Removal of such Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, and the whole Expense of such Removal, and all subsequent Expenses incurred by the Board for Maintenance and otherwise in respect of such Lunatic, shall be recoverable by the Board, by ordinary Process, from the Parochial Board refusing or neglecting to remove such Pauper Lunatic as aforesaid; but subject to any Right of Relief which such Parochial Board may legally have against the Parish ultimately liable for the Maintenance and Support of such Lunatic.

Insane Prisoners may, on Expiry of Sentence, be detained in General Prison.

19. If at any Time within Sixty Days of the Expiration of the Sentence of any Convict or other Prisoner confined in the General Prison at *Perth*, it is certified, on Soul and Conscience, by Two or more Medical Persons, that they have personally visited and carefully examined the Prisoner within the said Sixty Days, and that he is in their Opinion insane, and that his Insanity is of a Kind which renders it advisable that he should be detained in the Lunatic Department of the said General Prison rather than in a Lunatic Asylum, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by a Writing under his Hand, to authorize such Prisoner to be detained in the said General Prison after the Expiration of his Sentence, and such Prisoner may thereupon be detained accordingly; provided that it shall at any Time thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Prisoner during Her Majesty's Pleasure in such Place and in such Manner as to Her Majesty shall seem fit.

Orders may be carried out in General Prison.

20. If any Person, having been charged under an Indictment or Criminal Libel, shall be ordered by the Court, under the Provisions of the first-recited Act, to be kept in strict Custody until Her Majesty's Pleasure shall be known, such Order, whether the General Prison at *Perth* be mentioned therein or not, or whether the Name of

 any

any other Prison or Place be mentioned therein or not, shall be deemed and is hereby declared to be an Order which may be carried into effect in the said General Prison (unless such Order expressly directs that such Person shall not be removed to the said General Prison); and the Person to whom such Order applies may (excepting in the Case above provided) be removed thereto, under the Provisions for the Removal of Prisoners contained in the "Prisons (*Scotland*) Administration Act, 1860," and shall be detained in such Prison until Her Majesty's Pleasure be known; and it shall thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit; provided that within Eight Days after the Reception of such Person within the said General Prison, Intimation of such Reception, under the Hand of the Governor of the General Prison, shall be transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Secretary of the Board.

Orders to be intimated to Managers of Prisons.

21. When any such Order shall be pronounced, the Clerk of Court shall within Eight Days of the Date thereof send Intimation of such Order, as nearly as may be, in the Terms provided in Section Fifty-nine of the said Prisons Administration Act, to the Managers appointed under the said Act.

Sentences for less than Nine Months may be carried out in General Prison.

22. If it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined a Prisoner confined under Sentence in a Local Prison, in Terms of the said Prisons Administration Act, and that such Prisoner is insane, the Sentence, although for a shorter Period than Nine Months, shall be deemed to be a Sentence which may be carried into effect in the said General Prison, and such Prisoner may be removed thereto, in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners.

Insane Prisoners may be removed to an Asylum.

23. If, within Fourteen Days of the Period when a Prisoner in the said General Prison would fall to be liberated by Expiry of Sentence or otherwise, it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined such Prisoner, and that he is insane, such Prisoner may be removed back to the Local Prison to which he had been committed until liberated in due Course of Law, and such Removal may be carried out in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners; and if Arrangements shall have been completed for the Reception of such Prisoner within a Lunatic Asylum in any Part of *Scotland* in which he can be lawfully received

received and detained, he may be removed to such Asylum as if the same were such Local Prison, in Terms of such Provisions for the Removal of Prisoners.

Secretary of State may give Orders for Custody of Persons during Her Majesty's Pleasure.

24. The Provisions of the first-recited Act and of this Act, authorizing Her Majesty to give Orders for the safe Custody of any Person during Her Pleasure, may be carried into effect by a Writing under the Hand of One of Her Principal Secretaries of State, and such Writing shall be binding on all Persons concerned.

Certain Provisions of recited Acts repealed.

General Board continued.

25. Sections Twenty-two and Twenty-three of the first-recited Act, and such other of the Provisions of the recited Acts as are inconsistent with this Act, are hereby repealed; and the General Board of Commissioners as established by the said first-recited Act and this Act shall be continued until Parliament shall otherwise determine.

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VICTORIÆ REGINÆ.

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commencing on the Fifth Day of *February* One thousand eight hundred and forty-five, with Interest after the Rate aforesaid, to be computed from the Fifth Day of *February* One thousand eight hundred and forty-four: And whereas up to the Fifth Day of *February* One thousand eight hundred and sixty-two there is due on account of the said Loan, in respect of Principal and Interest, a Sum amounting in the whole to Two hundred and forty-nine thousand five hundred and eighty-two Pounds and Twopence: And whereas it has been agreed on the Part of the Imperial Government, in consideration of the Financial Difficulties of the said Island, and with a view of promoting its good and quiet Government, that the Debt so due from the said Island shall be commuted for a Perpetual Annuity of Six thousand four hundred Pounds, payable annually out of the Revenues of the said Island, and to be applied in manner herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commutation of Debt for a fixed Annuity.

1. If within the Period of One Year from the Date of the passing of this Act the Legislature of the said Island of *Jamaica* pass an Act making the Sum of Six thousand four hundred Pounds payable annually out of such Revenues of the said Island to such Persons and in such Manner as is herein-after mentioned, and if such Payment is duly made at the Times herein-after mentioned, or within Forty Days afterwards, the said Debt of Two hundred and forty-nine thousand five hundred and eighty-two Pounds and Twopence shall be deemed to be extinguished, otherwise the same shall remain in full Force, and shall become payable from and after such Time as the Governor may, by Message to the Legislature of the Island, determine.

Charge of Annuity.

2. The said Sum of Six thousand four hundred Pounds shall be charged by way of Perpetual Annuity on the Duties and Sources of Revenue mentioned in the Schedule annexed hereto.

The Charge so created shall be postponed to the Sum of Thirty thousand Pounds appropriated to the Payment of the Principal and Interest of the Public Debt, and to the Sum of Twenty-five thousand Pounds appropriated to defraying certain Expenses of the Government of the Island, in pursuance of an Act of the Legislature of the said Island passed in the Seventeenth Year of the Reign of Her present Majesty, Chaper Twenty-nine, but shall have Priority over all other Charges.

The said Annuity of Six thousand four hundred Pounds shall be deemed to become due on the Thirtieth Day of *June* and the Thirty first Day of *December* in every Year, but shall be paid to such Persons

Persons and at such Time or Times as the Governor of the said Island for the Time being may by Warrant under his Hand from Time to Time direct.

The said Annuity of Six thousand four hundred Pounds shall be applied in Payment of such Expenses of the Government of the said Island and Objects connected therewith, and of the local Improvements therein, as the Governor of the said Island may from Time to Time direct, in pursuance of such Instructions as may from Time to Time be issued by One of Her Majesty's Principal Secretaries of State.

Saving Clause.

3. Save as herein-before provided, and save in the Event of the Conditions of this Act being complied with, nothing herein contained shall affect or prejudice the Right of the Imperial Government to recover the Debt so due as aforesaid from the Island of *Jamaica*, or any Act of the Imperial Government or of the Legislature of the Island relating thereto.

SCHEDULE.

All Duties or Sums of Money authorized to be collected under any of the following Acts; that is to say,

Under an Act of the Legislature of the Island of Jamaica, passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, and intituled "An Act for the better "Government of this Island, and for raising a Revenue in "support thereof:"

Under the Thirty-eighth Section of an Act of the Legislature of the said Island, passed in the Twenty-first Year of the Reign of Her present Majesty, Chapter Thirty-four, and intituled "An "Act to provide Funds for the Improvement and Repair of the "main Roads and Bridges to be transferred to the Management "of Main Road Commissioners, to appropriate the Land and "Quit-rent Taxes, and declare the same redeemable for that "Purpose."

All Duties larger or equal in Amount to the Duties under the first-mentioned Act which may be collected or raised under any other Act of the said Legislature.

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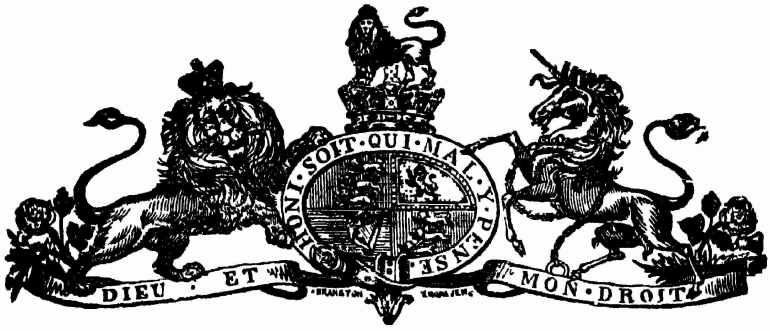

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to in the Schedule hereto have been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The several Provisional Orders the Dates of which are set forth in the First Column of the said Schedule are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1861.		£ s. d.		
29 Oct.	11 Geo. 4. c. 113., "An Act for more "effectually repairing the Road from "the Town of Rickmersworth in the "County of Hertford, through the "Village of Pinner, to or near the Swan "Public House at Sudbury Common "in the Turnpike Road leading from "Harrow to London."	2,400 0 0	3*l.* per Cent.	25 Dec. 1860.
4 Nov.	11 Geo. 4. c. 32., "An Act for repairing, "amending, and maintaining the Road "from Congleton in the County of "Chester to a Branch of the Leek "Turnpike Road at Thatchmarsh "Bottom in the Parish of Hartington in "the County of Derby, and from the "Lowe to the Havannah Mills in the "said County of Chester."	4,675 0 0	1*l.* per Cent.	30 June 1861.
4 Nov.	10 Geo. 4. c. 92., "An Act for improving "and maintaining the Road from the "Town of Kingston-upon-Hull to Kirk-"Ella in the County of the said Town."	2,890 0 0	3*l.* 10*s.* per Cent.	31 Dec. 1860.
6 Nov.	4 Geo. 4. c. 120., "An Act for repairing "the Roads from Oxdown Gate in "Popham Lane to the City of Win-"chester, and from the said City through "Hursley to Chandler's Ford, and from "Hursley aforesaid to the Turnpike "Road at Romsey, and from the Hun-"dred at Romsey, through Chilworth, "to the River at Swathling in the "County of Southampton; and from "the said Turnpike Road at Romsey, "through Ringwood in the said County, "to Longham Bridge and Wimborne "Minster in the County of Dorset," so far as the same relates to the Romsey and Ringwood or Third Division of Road.	1,000 0 0	3*l.* per Cent.	17 Dec. 1860 (Arrears extinguished).
11 Nov.	1 Geo. 4. c. 5., "An Act for enlarging the "Term and Powers of Two Acts of His "late Majesty, for repairing the Road "from Buildwas Bridge to join the "Watling Street Road at Tern Bridge "in the County of Salop."	1,108 0 0	2*l.* 10*s.* per Cent.	31 Dec. 1861.

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
		£ s. d.		
1861. 11 Nov.	11 Geo. 4. c. 26., "An Act for maintaining "the Road from Catterick Bridge in the "County of York, by the Towns of "Yarm and Stockton, and through the "Town of Sedgefield, to the City of "Durham."	6,970 0 0	3*l.* per Cent.	5 Sept. 1861.
11 Nov.	4 Geo. 4. c. 41., "An Act for more effec- "tually repairing the Road from Alfreton "in the County of Derby to the Town "of Derby."	6,605 0 0	4*l.* per Cent.	31 Dec. 1861.
15 Nov.	11 Geo. 4. c. 85., "An Act for more effec- "tually repairing the Road from Black- "burn to Walton Cop within Walton- "in-le Dale in the County of Lancaster."	7,506 10 0	3*l.* per Cent.	1 Jan. 1862.
19 Nov.	10 Geo. 4. c. 23., "An Act for repairing "the Road from Stockershead at the Top "of Charing Hill to a Place called "Bagham's Cross in the Parish of "Chilham in the County of Kent."	2,075 0 0	One Penny per Cent.	31 Dec. 1860.
29 Nov.	11 Geo. 4. c. 37., "An Act for more "effectually repairing the Road from "Wootton Bassett in the County of "Wilts to the Two Mile Stone in the "Turnpike Road leading from Swindon "to Marlborough in the said County."	3,150 0 0	1*l.* per Cent.	1 Jan. 1862. (Arrears extinguished).
5 Dec.	11 Geo. 4. c. 95., "An Act for more effec- "tually repairing and improving certain "Roads between the Towns of Derby, "Mansfield, and Nutthall in the Coun- "ties of Derby and Nottingham."	6,400 0 0	3*l.* per Cent.	26 April 1862.
9 Dec.	11 Geo. 4. c. 81., "An Act for more effec- "tually repairing and improving the "Road from Wendover to the Town of "Buckingham in the County of Buck- "ingham."	4,500 0 0	4*l.* per Cent.	31 Dec. 1861.
11 Dec.	11 Geo. 4. c. 96., "An Act for making "and maintaining a new Turnpike Road "from the Town of Kingston-upon-Hull "in the County of the said Town to "Hedon in the County of York."	11,562 16 3	1*l.* 15*s.* per Cent.	31 Dec. 1860. (Arrears extinguished).
1862. 29 Jan.	11 Geo. 4. c. 19., "An Act for more ef- "fectually repairing and improving the "Roads from the Town of Malmesbury "to Copped Hall Turnpike, Sutton "Benger Church, and Dauntsey Gate, "in the County of Wilts."	7,560 0 0	2*l.* per Cent.	31 Dec. 1861.

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1862.		£ s. d.		
17 Feb.	11 Geo. 4. c. 103., "An Act for more effectually repairing and improving the Roads from Saltfleet to the Town of Horncastle, and other Roads therein mentioned, all in the County of Lincoln."	4,541 13 0	3*l.* per Cent.	1 Aug. 1862.
12 Mar.	5 Geo. 4. c. 90., "An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from Bradford to Wakefield in the West Riding of the County of York, near Holme Lane End in the Parish of Birstal in the said Riding, to the Turnpike Road leading from Birstal to Huddersfield in the said Riding at the Township of Heckmondwike in the Parish of Birstal aforesaid, with a Branch Road therefrom."	2,500 0 0	4*l.* per Cent.	31 Dec. 1861.
19 Mar.	11 Geo. 4. c. 6., "An Act for more effectually repairing and improving the Road from Horsham to the Road leading to Guildford at Aldford Cross Ways, with Two Branches therefrom, and for making and maintaining a new Branch of Road to communicate therewith, all in the Counties of Sussex and Surrey," so far as the same relates to the Old Roads.	13,887 12 0	10*s.* per Cent.	31 Dec. 1861.
8 May	11 Geo. 4. c. 105., "An Act for improving and maintaining the Turnpike Roads from the Wirksworth Turnpike Road in the Hamlet of Ideridgehay to the Town of Duffield, and from the Market Place in Wirksworth to the Turnpike Road leading from Derby to Brassington, and from the said Market Place to the Turnpike Road leading from Wirksworth Moor to Matlock Bath, all in the County of Derby," so far as the same relates to the Ideridgehay and Duffield Road.	2,862 10 0	2*l.* per Cent.	1 July 1862 (Arrears extinguished).
8 May	Ditto Ditto so far as the same relates to the Wirksworth and Hulland Ward Road.	3,075 0 0	1*l.* 10*s.* per Cent.	1 July 1862 (Arrears extinguished).
30 June	4 Geo. 4. c. 83., "An Act for amending and maintaining the Roads from the North Gate of the City of Winchester, over Worthy Cow Down, through Whitchurch and other Places, to Newtown River, and from Worthy Cow Down aforesaid through Wherwell to Andover in the County of Southampton," so far as the same relates to the Whitchurch or First District.	2,475 0 0	3*l.* per Cent.	31 Dec. 1861 (1 Year's Arrears extinguished).

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1862. 30 June	4 Geo. 4. c. 121., "An Act for more effectually repairing the Roads leading from a Place called the Welsh Harp in the Township of Stonnall in the County of Stafford to Stone Bridge, and from Castle Bromwich to Birmingham in the County of Warwick."	£ s. d. 1,100 0 0	4*l.* per Cent.	24 June 1862.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LVII.

An Act to authorize the Sale of Her Majesty's Bakehouse in *Peascod Street*, *Windsor*, and the Application of the Proceeds in the Purchase of Land or Buildings to be held with *Windsor Castle*. [29th *July* 1862.]

WHEREAS Her most Gracious Majesty in right of Her Crown is or claims to be absolutely entitled to the Land and Hereditaments described in the Schedule to this Act, and the same are now in the actual Occupation of Her Majesty in connexion with Her Royal Residence of *Windsor Castle:* And whereas the said Land and Hereditaments being situate at some Distance from the said Castle, and being otherwise inconvenient for Her Majesty's Use, it is expedient that the same should be sold, and the Proceeds thereof applied, under the Direction of the Commissioners of Her Majesty's Treasury, as herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and they are hereby required, with

Land and Hereditaments in

Schedule to be sold.

with the Consent or by the Direction in Writing of the Commissioners of Her Majesty's Treasury, to make Sale of, convey, and dispose of, for and on behalf of Her Majesty, Her Heirs or Successors, all the said Land and Hereditaments described in the said Schedule to this Act, either altogether or in Lots, and either at one Time or at several Times, for such Price or Prices and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct or approve of.

Proceeds to be applied in the Purchase of other Lands to be annexed to Windsor Castle.

2. The net Proceeds of such Sale as aforesaid, after discharging the Expenses thereof, shall be laid out and applied by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Direction of the Commissioners of Her Majesty's Treasury, in the Purchase of other Lands, Buildings, or Hereditaments, either in one Parcel or several Parcels, adjoining or near to the said Royal Residence of *Windsor Castle*, and such as may be conveniently annexed thereto or be held and enjoyed therewith, and the same shall thereupon be conveyed to and vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions of the Crown.

Commissioner of Woods, &c. managing Crown Lands in Berks may act.

3. All Acts to be done and Powers to be executed under this Act by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may be done or executed by such One of the same Commissioners as may for the Time being have the Management and Direction of the Land Revenues of the Crown in the County of *rk*.

General Saving.

4. Saving and reserving always to all Persons and Bodies Politic r Corporate soever, excepting the Queen's Majesty, Her Heirs and Successors, all such Right, Title, Interest, Claim, and Demand whatsoever (if any), in, to, or out of the said Buildings, Land, and Hereditaments comprised in the Schedule to this Act or any Part thereof, as they or any of them had before the passing of this Act, or could or might have enjoyed in case this Act had not been passed.

The

The SCHEDULE above referred to.

All that Piece of Land situate on the South Side of Peascod Street in the Borough of Windsor, having a Frontage to the said Street of Thirty-three Feet Three Inches or thereabouts, and extending in Depth on the West Side One hundred and seventy-seven Feet or thereabouts, on the South Side Forty-four Feet Nine Inches or thereabouts, and on the East Side One hundred and ninety-eight Feet Six Inches or thereabouts, and containing about Seven hundred and ninety-two Yards Superficial or thereabouts, together with the Sheds and other Erections and Buildings thereon, all which Premises are commonly known by the Name of the Old Bakehouse.

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Parochial Building shall be raised by annual Assessments extending over any Period not exceeding Ten Years; and on the Adoption of such Resolution such annual Assessments for the Period specified therein shall be imposed, levied, and recovered on and from the Heritors of such Parish in the same Manner, and with the same Liabilities and Rights of Relief, as Assessments for the Erection, Improvement, or Enlargement of such Parochial Building are or may be levied under the Authority of any existing Act relating thereto, or otherwise according to the Law of *Scotland*.

Power to borrow Money.

3. On the Adoption of such Resolution it shall be lawful for the Heritors of such Parish, if they think fit, to borrow the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building, and in security of the Repayment of the Money so borrowed, and the Interest thereof, to charge and assign the said annual Assessments by a Bond and Assignation, signed by any Two Heritors authorized to sign the same at the Meeting at which it shall be resolved to borrow such Money; and in case of Nonpayment of the Money so borrowed, or any Instalment thereof, and the Interest thereon, when the same become due, the Creditor in or Person having right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due or to become due under such Bond and Assignation as are competent to the Heritors of such Parish by any existing Act, or otherwise by the Law of *Scotland*, for levying and recovering Assessments for the Erection, Improvement, or Enlargement of such Parochial Building.

Procedure in Cases where there is only One Heritor in a Parish.

4. Where there is only One Heritor in any Parish in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, such Heritor may apply by summary Petition to the Sheriff of the County in which such Parish is situate for Authority to raise the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building by annual Assessments extending over any Period not exceeding Ten Years, and to borrow the Money required for that Purpose, and to charge and assign such annual Assessments in security of the Payment thereof and of the Interest thereon; and on considering such Petition the Sheriff shall order Intimation thereof to be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published or generally circulated in such County; and after such Intimation it shall be lawful for the Sheriff to grant Warrant and Authority to such Heritor to raise the Money so required by annual Assessments as aforesaid, and to charge and assign the same in security of the Repayment of the Money to be borrowed,

borrowed, and the Interest thereof, by a Bond and Assignation signed by such Heritor; and the Creditor in or Person having Right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due and to become due under such Bond and Assignation, as are herein-before provided with respect to Bonds and Assignations signed by any Two Heritors.

Money borrowed to be repaid by annual Instalments.

5. The Money borrowed to defray the Expense of erecting, improving, or enlarging any Parochial Building shall be repaid by annual Instalments of not less in any One Year than One Tenth Part of the Principal Sum borrowed, exclusive of the Payment of Interest thereon.

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Sheep (Ireland).

Who shall be deemed the Owner of the Dog.

2. The Occupier of any House or Premises where any Dog was kept, or permitted to live or remain, at the Time of such Injury, shall be deemed to be the Owner of such Dog, and shall be liable as such, unless the said Occupier can prove that he was not the Owner of such Dog at the Time the Injury complained of was committed, and that such Dog was kept, or permitted to live or remain, in the said House or Premises without his Sanction or Knowledge: Provided always, that where there are more Occupiers than One in any House or Premises let in separate Apartments, or Lodgings, or otherwise, the Occupier of that particular Part of the Premises in which Part such Dog shall have been kept, or permitted to live or remain, at the Time of such Injury, shall be deemed to be the Owner of such Dog.

Extent of Act.

3. This Act shall extend to *Ireland* only.

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by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

1. Every Person who, at or before the passing of this Act, hath omitted to take or make and subscribe any Oath, Assurance, or Declaration, or otherwise to qualify himself within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath taken and subscribed the Oaths or Oath and Assurance, or made the Declarations or Declaration required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-three, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths or Oath, and Assurance, Declarations or Declaration respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Assurance, and Declarations ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission previous to the passing of this Act of taking or making and subscribing any Oaths or Oath, Assurance or Declaration, required by the said recited Acts or any of them, according to the above-mentioned Acts or any of them, or any other Act or Acts; and every such Person is and shall be fully and actually recapacitated and restored to the same State and Condition as he was in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified himself, according to the above-mentioned Acts and every of them; and all Elections of and Acts done or to be done by any such Person, or by Authority derived from him, are and shall be of the same Force and Validity as the same or any of them would have been if such Person had duly taken or made and subscribed such Oath, Assurance, and Declaration, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person qualifying himself in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person had taken or made and subscribed such Oaths or Oath, Assurance and Declaration, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by the Irish Act, 2 Anne, c. 6.

2. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:*

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves

according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oaths, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-three, or if Parliament be then sitting before the End of the then Session of Parliament.

Not to indemnify Persons against whom final Judgment has been given.

3. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

4. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

5. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-three, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required

required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

6. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

7. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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shall mean a Borough as defined by the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, "for the Regulation of Municipal Corporations in "*England* and *Wales*," or any Place to which the Provisions of the said Act have been or shall hereafter have been extended.

Definition of "Parish," "Highway District," and "Highway Board."

3. The Word "Parish" shall include any Place maintaining its own Highways; the Expressions "Highway District" and "Highway Board" shall refer only to Highway Districts formed and Highway Boards constituted in pursuance of this Act.

Definition of "Principal Act" and "Highway Acts."

4. The Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty, and intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, is herein-after distinguished as "the Principal Act;" and this Act and the Principal Act, and the other Acts amending the Principal Act, are herein-after included under the Expression "the Highway Acts."

Formation of Highway Districts.

Power to Justices, in General or Quarter Sessions assembled, to issue Provisional Orders for forming Highway Districts.

5. Any Five or more Justices of a County may by Writing under their Hands require the Clerk of the Peace to add to or send with the Notice required by Law to be given of the holding of Courts of General or Quarter Sessions a Notice in the Form marked (A.) in the Schedule, or as near thereto as Circumstances admit, that at the Court therein mentioned a Proposal will be made to the Justices to divide the County or some Part thereof into Highway Districts or to constitute the whole or some Part thereof a Highway District, and also require the Clerk of the Peace to send by Post in a prepaid Letter Notices in the aforesaid Form to the Churchwardens or Overseers of every Parish mentioned in the said Notice; and upon such Requisition being complied with the Justices assembled at the Court of General or Quarter Sessions mentioned in the Notice may entertain such Proposal, and make a Provisional Order dividing their County or some Part thereof into Highway Districts, or constituting the whole or some Part of their County a Highway District, for the more convenient Management of Highways, but such Order shall not be of any Validity unless it is confirmed by a Final Order of the Justices assembled at some subsequent Court of General or Quarter Sessions: Provided that when it is proposed that only a Part of a County shall be divided into a Highway District not less than Two out of the Five Justices making such Proposal shall be resident in the said District.

6. The

Highways.

6. The following Regulations shall be enacted as to the Making, Confirmation, and Approval of the Orders of Justices for forming Highway Districts:— Regulations as to the Making, &c. of Orders of Justices.

1. The Justices making a Provisional Order under this Act shall appoint some subsequent Court of General or Quarter Sessions, to be held within a Period of not more than Six Months, for the taking into consideration the Confirmation of the Provisional Order by a Final Order:
2. The Clerk of the Peace shall add to or send with the Notice required by Law to be given of the holding of Courts of General or Quarter Sessions a Notice in the Form marked (B.) in the Schedule hereto, or as near thereto as Circumstances admit, of the Appointment so made by the Justices in relation to the Confirmation of the Provisional Order:
3. The Justices assembled at the appointed Court of General or Quarter Sessions may make a further Order quashing the Provisional Order, or confirming it with or without Variations, or respiting the Consideration of such Provisional Order to some subsequent Court of General or Quarter Sessions, provided,—
   Firstly, that where the Variations made extend to altering the Parishes constituting any Highway District or Districts as formed in the Provisional Order, the Order shall be deemed to be provisional only, and shall be dealt with accordingly:
   Secondly, that where a Respite is made to any subsequent General or Quarter Sessions, the Clerk of the Peace shall give Notice of such Respite in manner in which he is required to give Notice in respect of Sessions at which a Provisional or Final Order is proposed to be made:
4. The Provisional Order shall state the Parishes to be united in each District, the Name by which the District is to be known, and the Number of Waywardens (such Number to be at least One) which each Parish is to elect:
5. In addition to the foregoing Matters, the Provisional Order may and the Final Order shall state the Time, not being more than Seven Days after the First Election of Waywardens in pursuance of this Act, and the Place at which the First Meeting of the Highway Board is to be held in the District:
6. Notice of the Provisional and Final Orders shall as soon as possible after the making thereof be given by the Clerk of the Peace, by publishing a Copy in the *London Gazette* and in One or more Newspapers circulating in the County, or if the whole County is not affected by such Order in One or more Newspapers circulating in the District affected by such Orders, and by sending a Copy by Post in a prepaid Letter to the Overseers of every Parish within the proposed Highway

Highway District, and there shall be added to the Notice of the Provisional Order the Date of the Sessions at which the Confirmation of such Order will be considered.

Restrictions on Formation of Highway Districts.

7. The following Restrictions shall be imposed with respect to the Formation of Highway Districts in pursuance of this Act:

Firstly, there shall not be included in any Highway District formed in pursuance of this Act any of the following Places; that is to say,

Any Part of a County to which the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Sixty-eight, and intituled *An Act for the better Management and Control of the Highways in* South Wales, extends:

The *Isle of Wight:*

Any District constituted under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts:

Any Parish or Place the Highways of which are at the Time of the passing of this Act, or may be within Six Months afterwards, under the Superintendence of a Board established in pursuance of Section Eighteen of the Principal Act, unless with the Consent of such Board:

Any Parish or Place within the Limits of the Metropolis as defined by the Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, and intituled *An Act for the better Local Management of the Metropolis:*

Any Parish or Place, or Part of a Parish or Place, the Highways whereof are maintained under the Provisions of any Local Act of Parliament:

Secondly, there shall not be included in any Highway District formed in pursuance of this Act any Parish or Place or Part of a Parish or Place within the Limits of a Borough without the Consent, firstly, of the Council of such Borough, and, secondly, of the Vestry of the Parish which, or Part of which, is proposed to be included:

Thirdly, where any Parish separately maintaining its own Highways is situate in more than One County the whole of such Parish shall, for the Purposes of this Act, be deemed to be within the County within which the Church of such Parish, or (if there be no Church) the greater Part of such Parish, is situate:

Lastly, where a Parish separately maintaining its own Poor is divided into Townships, Tithings, Hamlets, or Places, each of which separately maintains its own Highways, it shall be lawful for the Justices, if they think fit, in their Provisional Order

Order to combine such Townships, Tithings, Hamlets, and Places, and to declare that no separate Waywardens shall be elected for such Townships, Tithings, Hamlets, and Places, and that such Parish shall be subject to the same Liabilities in respect of all the Highways within it which were before maintained by such Townships, Tithings, Hamlets, and Places separately, as if all their several Liabilities had attached to the whole Parish; and that a Waywarden or Waywardens shall be elected for such Parish as a whole; and where such Order is made, all the Provisions herein contained in relation to Parishes within the Meaning of this Act shall be applicable to the Parish formed by such Combination.

Legal Objections to Formation of District.

Rules as to Objections and Evidence.

8. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Formation of a Highway District, after the Expiration of Three Calendar Months from the Date of the Publication in the Gazette of the Order under which the District is formed; and the Production of a Copy of the *London Gazette* containing a Copy of the Order of Justices forming a Highway District shall be receivable in all Courts of Justice, and in all legal Proceedings, as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

Highway Board.

Constitution of Highway Board.

9. There shall be enacted, with respect to the Constitution of the Highway Board in each Highway District, the Provisions following; (that is to say,)

(1.) The Highway Board shall consist of the Waywardens elected in the several Places within the District, in manner herein-after mentioned, and of the Justices acting for the County and residing within the District:

(2.) The Board shall be a Body Corporate, by the Name of the Highway Board of the District to which it belongs, having a perpetual Succession and a Common Seal, with a Power to acquire and hold Lands for the Purposes of the Highway Acts, without any Licence in Mortmain:

(3.) No Act or Proceeding of the Board shall be questioned on account of any Vacancy or Vacancies in their Body:

(4.) No Defect in the Qualification or Election of any Person or Persons acting as Members or Member of the Board or Committee of a Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part in Cases where the Majority of Members Parties to such Proceedings are duly entitled to act:

 (5.) Any

(5.) Any Minute made of Proceedings at Meetings of the Board or of Committees of the Board, if signed by any Person purporting to be the Chairman of the Board or Committee of the Board, either at the Meeting of the Board or Committee of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board or Committee of the Board, shall be receivable in Evidence in all legal Proceedings without further Proof; and until the contrary is proved every Meeting of the Board or Committee of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified:

(6.) No Member of a Board, by being Party to, or executing in his Capacity of Member, any Contract or other Instrument on behalf of the Board, or otherwise lawfully exercising any of the Powers given to the Board, shall be subject to be tried or prosecuted, either individually or with others, by any Person whomsoever; and the Bodies or Goods or Lands of the Members shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, tried, or executed by them, or by reason of any other lawful Act done by them in execution of any of the Powers of the Board; and the Members of the Board may apply any Monies in their Hands for the Purpose of indemnifying themselves against any Losses, Costs, or Damages they may incur in execution of the Powers granted to them:

(7.) The Rules contained in the Schedule hereto with respect to the Proceedings of Highway Boards, and the other Matters therein contained, shall be observed in the same Manner as if such Rules were enacted in the Body of this Act.

Election of Waywardens.

Election of Waywardens.

10. The following Regulations shall be observed with respect to the Election of Waywardens in Highway Districts:

In every Parish forming Part of a Highway District there shall be elected every Year for the Year next ensuing a Waywarden, or such Number of Waywardens as may be determined by Order of the Justices:

Such Waywarden or Waywardens shall be elected in every Parish forming Part of a Highway District at the Meeting and Time and in the Manner, and subject to the same Qualification and the same Power of Appointment in the Justices in the event of no Election taking place, or in the event of a Vacancy, at, in, and subject to which a Person or Persons to serve the Office

Office of Surveyor would have been chosen or appointed if this Act had not passed:

The Justices shall in their Provisional Order make Provision for the Election of a Waywarden or Waywardens in Places where no Surveyor or Surveyors were elected previously to the Place forming Part of a Highway District:

A Waywarden shall continue to act until his Successor is appointed, and shall be re-eligible.

Consequences of Formation of Highway District.

Consequences of Establishment of Highway Board.

11. At and after the First Meeting in any Highway District of the Board of such District the following Consequences shall ensue:

All such Property, Real and Personal, including all Interests, Easements, and Rights in, to, and out of Property, Real and Personal, and including Things in Action, as belong to or are vested in, or would but for this Act have belonged to or been vested in, any Surveyor or Surveyors of any Parish forming Part of the District, shall pass to and vest in the Highway Board of that District for all the Estate and Interest of such Surveyor or Surveyors as aforesaid, but subject to all Debts and Liabilities affecting the same:

All Debts and Liabilities incurred in respect of any Property transferred to the Highway Board may be enforced against the Board to the Extent of the Property transferred:

All such Powers, Rights, Duties, Liabilities, Capacities, and Incapacities, (except the Power of making, assessing, and levying Highway Rates) as are vested in or attached to, or would but for this Act have become vested in or attached to, any Surveyor or Surveyors of any Parish forming Part of the District, shall vest in and attach to the Highway Board:

All Property by this Act transferred to the Board shall be held by them upon trust for the several Parishes or Places now maintaining their own Highways within their District to which such Property belongs, or for the Benefit of which it was held previously to the Formation of the District.

Appointment of Officers.

Power to Highway Board to appoint Officers.

12. The Highway Board of a District shall, at their First Meeting or at some Adjournment thereof, by Writing under their Seal, appoint a Treasurer, Clerk, and District Surveyor; they may also at any Meeting, if they think fit, appoint an Assistant Surveyor; they may from Time to Time remove any of such Officers, and appoint others in the Room of such as may be so removed, or as may die or resign; they may also, out of any Monies in their Hands, pay such Salaries as they think reasonable to the Clerk and District

District and Assistant Surveyor, and to the Treasurer, if they think necessary: Provided that before the Treasurer enter upon his Office the Board shall take sufficient Security from him for the due Performance of the Duties of his Office; but no Appointment, except the first, to any of the Offices specified in this Section, shall be made unless Notice in Writing has been sent to every Member of the Board.

Two Offices not to be held by the same Person.

13. Not more than One Office of Treasurer, Clerk, and District or Assistant Surveyor of the same Highway Board shall be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or Servant, one of the other, or of the Partner of either of them; and if any Person accepts or holds the Office of Treasurer, Clerk, or District or Assistant Surveyor, contrary to this Provision, he shall be liable to a Penalty not exceeding Fifty Pounds.

Duties of Treasurer.

14. The Treasurer of each Highway Board shall receive, and hold to the Account of such Board, all Monies paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every Three Months, on or at such Days or Times as the Board may direct, or oftener if required by the Board, make up an Account of all Monies received and paid by him, and deliver the same to the Clerk of the Board.

Duties of Clerk.

15. The Clerk of every Highway Board shall in Person, or by such Deputy as may be allowed by such Board, attend all Meetings of the Board, and shall conduct the Correspondence thereof, and enter and keep, in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may direct.

Duties of District Surveyor.

16. The District Surveyor shall act as the Agent of the Board in carrying into effect all the Works and performing all the Duties by this Act required to be carried into effect or to be performed by the Board, and he shall in all respects conform to the Orders of the Board in the Execution of his Duties, and the Assistant Surveyor, if any, shall perform such Duties as the Board may require, under the Direction of the District Surveyor.

Works and Duties of Board.

Board to maintain Highways.

17. The Highway Board shall maintain in good Repair the Highways within their District, and shall, subject to the Provisions

visions of this Act, as respects the Highways in each Parish within their District, perform the same Duties, have the same Powers, and be liable to the same legal Proceedings as the Surveyor of such Parish would have performed, had, and been liable to if this Act had not passed. It shall be the Duty of the District Surveyor to submit to the Board at their First Meeting in every Year an Estimate of the Expenses likely to be incurred during the ensuing Year for maintaining and keeping in Repair the Highways in each Parish within the District of the Board, and to deliver a Copy of such Estimate as approved or modified by the Board so far as the same relates to each Parish to the Waywarden of such Parish.

Proceedings where Roads are out of repair.

18. Where Complaint is made to any Justice of the Peace that any Highway within the Jurisdiction of the Highway Board is out of Repair, the Justice shall issue Two Summonses, the one addressed to the Highway Board and the other to the Waywarden of the Parish liable to the Repair of such Highway, requiring such Board and Waywarden to appear before the Justices at some Petty Sessions, in the Summons mentioned, to be held in the Division where such Highway is situate; and at such Petty Sessions, unless the Board undertake to repair the Road to the Satisfaction of the Justices, or unless the Waywarden deny the Liability of the Parish to repair, the Justices shall direct the Board to appear at some subsequent Petty Sessions to be then named, and shall either appoint some competent Person to view the Highway, and report to them on its State at such other Petty Sessions, or fix a Day, previous to such Petty Sessions, at which Two or more of such Justices will themselves attend to view the Highway.

At such last-mentioned Petty Sessions, if the Justices are satisfied, either by the Report of the Person so appointed, or by such View as aforesaid, that the Highway complained of is not in a State of complete Repair, it shall be their Duty to make an Order on the Board limiting a Time for the Repair of the Highway complained of; and if such Highway is not put in complete and effectual Repair by the Time limited in the Order, the Justices in Petty Sessions shall appoint some Person to put the Highway into repair, and shall by Order direct that the Expenses of making such Repairs, together with a reasonable Remuneration to the Person appointed for superintending such Repairs, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Board; and any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, in the same Manner as if it were an Order of General or Quarter Sessions, and be enforced accordingly.

All Expenses so directed to be paid by the Board in respect of the Repairs of any Highway shall be deemed to be Expenses

incurred by the Board in repairing such Highway, and shall be recovered accordingly.

The Highway Board may appear before the Justices at Petty Sessions by their District Surveyor or Clerk, or any Member of the Board.

When Obligation to repair is disputed.

19. When, on the Hearing of any such Summons respecting the Repair of any Highway, the Liability to repair is denied by the Waywarden on behalf of his Parish, or by any Party charged therewith, the Justices shall direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpœnaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway is situate, against the Inhabitants of the Parish, or the Party charged therewith, for suffering and permitting the said Highway to be out of Repair; and the Costs of such Prosecution shall be paid by such Party to the Proceedings as the Court before whom the Case is tried shall direct, and if directed to be paid by the Parish shall be deemed to be Expenses incurred by such Parish in keeping its Highways in repair, and shall be paid accordingly.

Expenses.

Expenses how charged.

20. The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund, to be contributed by and charged upon the several Parishes within such District in proportion to the Average of the Expenditure incurred during the Three last preceding Years in such Parishes respectively in maintaining and keeping in repair the Highways thereof; but the Expenses of maintaining and keeping in repair the Highways of each Parish within the District, and all other Expenses in relation to such Highways, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

Mode of defraying Expenses.

21. For the Purpose of obtaining Payment from the several Parishes within their District of the Sums due from them, the Highway Board shall order Precepts to be issued to the Overseers of the said Parishes, stating the Sum to be contributed by each Parish, and requiring the Overseers of such Parish, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board, and the Overseers shall comply with the Requisition of such Precept by paying the Sums to be contributed by their respective Parishes out of any Monies in their Hands applicable to the Relief of the Poor, but

but no Contribution required to be paid by any Parish at any One Time in pursuance of this Act shall exceed the Sum of Tenpence in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in pursuance of this Act shall not exceed the Sum of Two Shillings and Sixpence in the Pound, except with the Consent of Four Fifths of the Ratepayers of the Parish in which such Excess may be levied, present at a Meeting specially called for the Purpose, of which Ten Days previous Notice has been given by the Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting: Provided, that in any Parish where, for a Period of not less than Seven Years immediately preceding the passing of this Act, it has been the Custom of the Surveyor of Highways for such Parish to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rates, the Monies payable in pursuance of the Precept of the Highway Board shall not be paid by the Overseers, but may be raised and paid by the Waywarden of such Parish out of a Highway Rate, to be assessed and levied in manner and in respect of the Property in and in respect of which the same would have been assessed and levied if this Act had not passed.

Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor.

22. Where any Parish as defined by this Act, and in this Section called a Highway Parish, is not a Parish separately maintaining its own Poor, in this Section called a Poor Law Parish, the Highway Board shall issue their Precept or Precepts to the Overseers of the Poor Law Parish, or of the several Poor Law Parishes if more than One, of which such Highway Parish forms Part, and in the Precept or Precepts so issued shall specify the Part or Parts of the Poor Law Parish or Poor Law Parishes constituting the Highway Parish in which the Sum required by the Board is to be levied, and if there be more than One such Parish shall apportion among such Parts the Amounts to be levied in each Parish.

Where any Highway Parish is so situate that there are no Overseers to be found to whom the Precepts of the Board may be issued, or it is uncertain to what Overseers such Precepts should be issued, the Precepts of the Highway Board shall be directed to the Waywarden of such Parish, and it shall be his Duty to levy the Sums therein required to be levied.

Power to Overseers, &c. to levy Rates for making Payments to Highway Board.

23. Subject to the above-mentioned Restrictions as to the Amount of Rates to be levied in pursuance of this Act, all Overseers or other Persons to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall have the same Powers, Remedies, and Privileges for and in respect of levying the Rates hereby authorized to be levied for making Payments to a Highway Board as they would have in the Case of levying ordinary Rates for the Relief of the Poor.

24. If

Highways.

Mode of enforcing Payments to Highway Boards.

24. If any Payment required to be made by the Overseers of any Parish, or other Persons authorized to levy Rates by this Act, of Monies due to a Highway Board is in arrear, it shall be lawful for any Two Justices, on Application under the Hand of the Chairman for the Time being of such Board, to summon the said Overseers or other Persons to show Cause at Petty Sessions why such Payment has not been made; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, cause the Amount of Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or other Persons or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when levied and recovered, to be paid to the said Board.

Accounts.

Accounts to be made up to 25th March, and Statement to be published.

25. The Accounts of every Highway Board shall be made up and balanced to the Twenty-fifth Day of *March* in every Year, and for the Space of Seven clear Days immediately following shall be open for the Inspection at the Office of the Clerk, or any other convenient Place, of every Ratepayer in the several Parishes within the District, between the Hours of Ten and Four; at the Expiration of such Time the Accounts shall be audited by such Board, and signed by the Chairman, on or before the Twenty-fifth Day of *April;* and such Board shall cause a Statement showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of State may direct, as hereinafter mentioned, to be printed and sent within Thirty Days after the said Audit, by Post or otherwise, to each Member of the Board and to the Overseers of every Parish within the District; and the Clerk of the Board shall furnish a Copy of such Statement to any Ratepayer within the District on his Application, and on the Payment of a Sum not exceeding One Penny.

Power to appeal in respect of Account of Board.

26. Where a Waywarden or any Ratepayer of any Parish is of opinion that the Amount charged to his Parish for maintaining and keeping the Highways therein, or in respect of the other Expenses in relation to such Highways, is more than the Sum that has actually been expended in his Parish, or than ought to have been charged thereto, he may appeal to the Justices assembled at any Court of General or Quarter Sessions held within the Period of Four Months from the Time at which the Accounts were audited by the Board, but no such Appeal shall be entertained unless Notice of the Intention to appeal, specifying the Amount complained of, is given to the Board

Board by the Appellant in Writing under his Hand within Fourteen Days after the Statement of such Accounts shall have been sent to the Overseers of such Parish.

On the Hearing of such Appeal the Court may rectify the Accounts complained of, and may also rectify the Sum to be contributed to the Common Fund, and calculated on the Expenditure complained of.

If the Appellant is successful the Costs shall, unless the Court otherwise orders, be paid by the Board, and shall be charged to the Parishes within the Jurisdiction of the Board other than the Parish to which Appellant belongs, in the same Proportions in which such Parishes contribute to the Common Fund of the Board.

If the Appellant is unsuccessful the Board, if the Waywarden be the Appellant, may charge the Costs of the Appeal to the Parish to which the Appellant belongs, in the same Manner as if they were Expenses incurred in repairing the Roads in such Parish, and may levy the Sum accordingly, and may carry the Sum so levied to the Account of the several Parishes within the Jurisdiction of the Board other than the Parish to which the Appellant Waywarden belongs, in the same Manner as if they were Expenses contributed by such Parishes to the Common Fund of the Board; but if some Rate-payer other than the Waywarden is the Appellant the Court may order the Costs of the Appeal to be paid by such Appellant, and such Costs shall be recoverable in the same Manner as a Penalty is recovered under this Act.

Clerk of Highway Board to transmit Statement to Secretary of State.

Penalty for Neglect.

27. The Clerk to every Highway Board shall, within such Thirty Days after the said Audit, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty not exceeding Ten Pounds.

Abstract of Statements to be laid before Parliament.

28. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

Secretary of State may cause Form of Statement to be prepared.

29. It shall be lawful for One of Her Majesty's Principal Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of

Her Majesty, but no Statement shall be transmitted under that Act concerning Parishes wholly within a Highway District under this Act.

Quarterly Account to be sent to Overseers.

30. The Highway Board shall, at the End of each Quarter, deliver or send in a prepaid Letter to the Overseers of every Parish an Account of the Expenses of maintaining and keeping in repair the Highways within their respective Parishes during the preceding Quarter.

Officers appointed by Highway Board to account to them when required.

31. All Officers appointed by the Highway Board shall, as often as required by them, render to them or to such Persons as they appoint a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers, of all Monies which they may respectively to the Time of rendering such Accounts have received and disbursed on account or by reason of their respective Offices, and in case any Money so received by any such Officer remains in his Hands the same shall be paid to the Board, or to such Person or Persons as they in Writing under their Hands empower to receive the same; and if any Officer refuses or wilfully neglects to render and give such Account, or to deliver up such Vouchers, or for the Space of Fourteen Days after being thereunto required by the Board refuses or wilfully neglects to give up to them or to such Person or Persons as they appoint all Books, Papers, Writings, Tools, and Things in his Hands, Custody, or Power relating to the Execution of his Office, it shall be lawful for any Justice of the Peace for the County where the Officer so making Default is or resides, upon Application made to him for that Purpose by or on behalf of the Board, to make Inquiry of and concerning any such Default as aforesaid in a summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, and by Warrant under his Hand and Seal to cause such Money as may appear to him to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any), on Demand, after Payment of the Money remaining due and deducting the Charges and Expenses of making such Distress and Sale; and if sufficient Distress cannot be found, or if it appears to any such Justice in manner aforesaid that any such Officer has refused or wilfully neglected to give such Account, or to deliver up all Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Execution of his Office, the Justice shall commit him to the House of Correction or Common Gaol of the County where such Offender is or resides, there to remain without Bail until he gives a true and perfect Account and verifies the same in manner aforesaid, and produces and delivers up the Vouchers relating thereto, and

and pays the Money (if any) remaining in his Hands as aforesaid according to the Direction of the Board, or has compounded with the Board for such Money and paid such Composition (which Composition the Board are hereby empowered to make and receive), or until he delivers up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or has given Satisfaction to the Board concerning the same; but no Officer who may be committed on account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Supplemental Provisions.

Provision as to Extra-parochial Places.

32. Where in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen, and intituled *An Act for the Relief of the Poor in Extra-parochial Places*, any Place is declared to be a Parish, or where Overseers of the Poor are appointed for any Place, such Place shall for the Purposes of this Act be deemed to be a Parish separately maintaining its own Highways; and where in pursuance of the same Act any Place is annexed to any adjoining Parish, or to any District in which the Relief of the Poor is administered under a Local Act, such Place shall for the Purposes of this Act be deemed to be annexed to such Parish or District for the Purposes of the Maintenance of the Highways, as well as for the Purposes in the said Act mentioned.

Provision for outlying Part of Parishes.

33. Where Part of a Parish is not contiguous to the Parish of which it is a Part, such outlying Part may at the Discretion of the Justices be annexed to a District, and, when so annexed, it shall, for all the Purposes of the Highway Acts, be deemed to be a Parish separately maintaining its own Highways.

Expenses of Repair of Highways may be recovered from Party liable to repair ratione tenuræ.

34. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, shall be adjudged in the Manner provided by the Principal Act to be out of repair, the Highway Board of the District in which such Highway is situate may, if they see fit, direct their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence

Absence of either of them, it shall be lawful for such Justices to hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just.

Highways repairable ratione tenuræ may be made repairable by the Parish.

35. Where any Person or Corporation is liable, by reason of Tenure of Lands or otherwise, to repair any Highway situate in a Highway District, the Person or Corporation so liable may apply to any Justice of the Peace for the Purpose of making such Highway a Highway to be repaired and maintained by the Parish in which the same is situate; and such Justice shall thereupon issue Summonses requiring the Waywarden of such Parish, the District Surveyor, and the Party so liable to repair such Highway as aforesaid, to appear before Two or more Justices in Petty Sessions assembled, and the Justices at such Petty Sessions shall proceed to examine and determine the Matter, and shall, if they think fit, make an Order under their Hands that such Highway shall thereafter be a Highway to be thereafter repaired and maintained by the Parish, and shall in such Order fix a certain Sum to be paid by such Person or Corporation to the Highway Board of the District, in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such Sum the Board may proceed for the Recovery thereof in the same Manner as for the Recovery of Penalties or Forfeitures recoverable under this Act: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway exceeds Fifty Pounds, the same, when received, shall be invested in the Name of the Highway Board of the District in some Public Government Securities, and the Interest and Dividends arising therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate; but when such Sum does not exceed Fifty Pounds the same or any Part thereof, at the Discretion of such Highway Board, shall from Time to Time be applied by such Board towards the Repair and Maintenance of the Highways within such Parish: Provided that any Person aggrieved by any Order of Justices made in pursuance of this Section may appeal to a Court of General or Quarter Sessions holden within Four Months from the Date of such Order; but no such Appeal shall be entertained unless the Appellant has given to the other Party to the Case a Notice in Writing of such Appeal, and of the Matter thereof, within Fourteen Days after such Order, and Seven clear Days at the least before such Sessions, and has entered into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as may be by the Court awarded;

awarded; and upon such Notice being given, and such Recognizance being entered into, the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order thereon, with or without Costs to either Party, as to the Court may seem meet:

From and after the making of such Order by the Justices, or by the Court on Appeal, as the Case may require, such Highway shall be repaired in ike Manner and at the like Expense as Highways which a Parish is liable to repair.

Provision as to Roads laid out.

36. Where the Inhabitants of any Parish are desirous of undertaking the Repair and Maintenance of any Driftway, or any private Carriage or Occupation Road, within their Parish, in return for the Use thereof, the District Surveyor may, at the Request of the Inhabitants of such Parish assembled in a Vestry duly convened for the Purpose, and with the Consent in Writing of the Owner and the Occupier of every Part thereof, apply to the Justices in Petty Sessions to declare such Driftway or Road to be a public Highway to be repaired at the Expense of the Parish; and upon such Application being made it shall be lawful for the Justices to declare the same to be a public Carriage Road to be repaired at the Expense of the Parish.

Surveyor of Highway Board exempted from Turnpike Tolls.

37. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road from the Surveyor of a Highway Board when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King *George* the Fourth, Chapter One hundred and twenty-six, shall apply to the Case of the Exemptions conferred by this Enactment.

Limiting Jurisdiction of Justices.

38. No Justice of the Peace shall act as such in any Matter in which he has already acted as a Member of the Highway Board, and in which the Decision of such Board is appealed against.

Power to alter Highway Districts.

39. Any Highway District formed under this Act may from Time to Time be altered by the Addition of any Parishes in the same or in any adjoining County, or the Subtraction therefrom of any Parishes, and new Highway Districts may be formed by the Union of any existing Highway Districts in the same or in any adjoining County, or any Parishes forming Part of any existing Highway Districts, or any Highway District may be dissolved; but any such Alteration of existing Districts, or Formation of new Districts, or Dissolution of any District, shall be made by Provisional and Final Orders of

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the Justices; and all the Provisions of this Act with respect to the Formation of Highway Districts and Provisional and Final Orders of Justices, and the Notices to be given of and previously to the making of such Orders, and all other Proceedings relating to the Formation of Highway Districts, shall, in so far as the same are applicable, extend to such Alteration of existing or Formation of new Districts, or Dissolution of Districts, as is mentioned in this Section; and in addition thereto Provision shall be made, if necessary, in any Orders of Justices made under this Section for the Adjustment of any Matters of Account arising between Parishes or Parts of Districts in consequence of the Exercise of the Powers given by this Section. Where any Parish is added to or any District united with any District in another County, the Final Order of the Justices of the County in which such Parish or District is situate shall not be confirmed by them until they shall have received the Approval of their Provisional Order for such Addition or Union from the Justices of the County in which the District is situate to or with which such Addition or Union is to be made. Where any Highway District is dissolved, or where any Parish is excluded from any Highway District, the Highways in such District or Parish shall be maintained, and the Provisions of the Principal Act in relation to the Election of Surveyors and to all other Matters shall apply to the said Highways, in the same Manner as if such Highways had never been included within the Limits of a Highway District.

Provision in case of Failure of Board to hold First Meeting.

40. If any Highway Board make default in holding its First Meeting in pursuance of this Act, such Board shall not thereupon become disqualified from acting, but the Justices in General or Quarter Sessions shall, on the Application of any Persons liable to pay Highway Rates within the District, make such Order as they think fit for the holding of such Board at some other Time, and any Order so made shall be deemed to be an Order capable of being removed into the Court of Queen's Bench, in pursuance of the Act passed in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Forty-five, and may be enforced accordingly, and the Costs of any Application to the Court of Quarter Sessions in pursuance of this Section shall be defrayed out of the District Fund of the Board.

Reservation of Right to adopt Local Government Act.

41. Any Parish or Part of a Parish included in a Highway District may adopt the Local Government Act in the same Manner and under the same Circumstances in and under which it might have adopted the same if it had not been included in such District; and upon such Adoption being made such Parish or Part of

of a Parish shall cease to form Part of such District, subject nevertheless to the Payment of any Contribution that may at the Time of such Adoption be due from such Parish or Part of a Parish to the Highway Board.

Application of Principal Act.

42. The following Regulations shall be observed with respect to the Construction of the Principal Act and this Act: Construction of Principal Act and this Act.

1. This Act shall be construed as One with the Principal Act so far as is consistent with the Provisions of this Act:
2. The Ninth Section of the Principal Act, whereby it is enacted that a Surveyor may be appointed by the Inhabitants of a Parish with a Salary, shall not apply to any Parish within any District formed under this Act:
3. The Tenth Section of the Principal Act, whereby it is enacted that the Surveyor or Surveyors at the Time of passing his or their Accounts as therein mentioned shall deliver to the Justices a Statement in Writing of the Name and Residence of the Person or Persons appointed to succeed him or them as a Surveyor or Surveyors, shall not apply to any Parish within any District formed under this Act:
4. The Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Sections of the Principal Act, providing for the Formation of Parishes into Districts, and the Eighteenth and Nineteenth Sections of the Principal Act, providing for the Appointment of a Board in large Parishes, shall not apply to any Parish within any District formed under this Act:
5. The Penalty imposed by Section Twenty of the Principal Act on the Surveyor for Neglect of Duty shall not apply to a Highway Board constituted under this Act:
6. Any Summons or Notice, or any Writ or any Proceeding, at Law or in Equity, requiring to be served upon the Board, may be served by the same being left at or transmitted through the Post in a pre-paid Letter directed to the Office of the Board, or being given personally to the District Surveyor or Clerk of the Board:
7. The Thirty-fifth Section of the Principal Act, whereby it is provided that the Ratepayers of any Parish may divide amongst themselves the Carriage of Materials in manner therein mentioned, shall not apply to any Parish within any District formed under this Act:
8. The Thirty-ninth, Fortieth, Forty-third, Forty-fourth, and Forty-fifth Sections of the Principal Act relating to the Accounts of Surveyors shall not apply to the Highway Board of any District formed under this Act.

43. On

Relative Duties of outgoing Surveyors and Highway Board.

43. On the Formation of a Highway District the following Regulations shall be enacted with respect to the Surveyors and the Highway Board:

1. No Surveyor shall be appointed under the Principal Act for any Parish within such District:
2. The outgoing Surveyor of every Parish within the District shall continue in Office until Seven Days after the Appointment of the District Surveyor by the Highway Board of the District of such outgoing Surveyor, and no longer; and he may recover any Highway Rate made and then remaining unpaid, in the same Manner as if this Act had not been passed, and the Money so recovered shall be applied, in the first place, in reimbursing any Expenses incurred by him as such Surveyor, and in discharging any Debts legally owing by him on account of the Highways within his Jurisdiction, and the Surplus (if any) shall be paid by him to the Treasurer of the Highway Board; and he shall be entitled to receive from the Highway Board any Sum not exceeding Five Pounds, which on the Allowance of his Accounts shall be found to be due to him as such Surveyor after the Collection and Expenditure of the whole of the Highway Rate made in such Parish during the last Year:
3. The Highway Board shall, for all the Purposes of the Principal Act except that of levying Highway Rates, be deemed to be the Successor in Office of the Surveyor of every Parish within the District.

Provisions of Principal Act to be applicable to Highways under Local or Personal Acts.

44. All the Provisions of the Principal Act for widening, diverting, and stopping up Highways shall be applicable to all Highways which now are or may hereafter be paved, repaired, or cleansed under or by virtue of any Local or Personal Act or Acts of Parliament, or which may be situate within the Limits of any such Act or Acts, except Highways which any Railway Company, or the Owners, Conservators, Commissioners, Trustees, or Undertakers of any Canal, River, or Inland Navigation, are liable by virtue of any Act of Parliament relating to such Railway, Canal, River, or Inland Navigation to make, maintain, repair, or cleanse.

Enabling Councils of certain Boroughs to adopt Parish Roads and Highways, and to apply Rates for their Repair.

45. Whereas there are in certain Boroughs in *England* and *Wales* Roads and Highways that are now and have heretofore been repaired by the Inhabitants of the several Parishes or Townships within which such Roads and Highways are situated, and who also contribute and pay to the General Rates levied for the Repair of the public Streets, Roads, and Highways maintained and kept in repair by the Council of such Boroughs, by reason whereof a great Burthen is imposed upon

upon the Ratepayers of the said Parishes and Townships; and it being doubtful whether the Council of such Boroughs have the Power to adopt such Parish Roads and Highways, or to apply the Rates collected in such Boroughs in repairing the same: Be it enacted, That it shall and may be lawful for the Council of every such Borough in *England* and *Wales*, upon the Petition of the Majority of the Ratepayers of such Parishes or Townships present at a Public Meeting duly convened, to adopt all or any of such Parish Roads and Highways as the Council shall in its Discretion consider advisable, and to apply the Rates levied and collected by the said Council for the Repair of the public Streets, Roads, and Highways within such Borough in repairing and maintaining such Parish Roads and Highways: Provided always, that it shall be competent for such Council, previous to adopting such Parish Roads and Highways, to require the Provisions contained in any Local Act applying to the public Streets, Roads, and Highways of such Borough to be complied with.

46. No Person through whose Land a Highway passes, which is to be repaired by the Parish, shall become liable for the Repair of such Highway by erecting Fences between such Highway and the adjoining Land, if such Fences are erected with the Consent in Writing of the Highway Board of the District within which such Highway is situate in the Case of a Place within the Jurisdiction of a Highway Board, and in the Case of any other Place with the Consent of the Surveyor or other Authority having Jurisdiction over the Highway.

District Highway Boards may permit Landowners to erect Fences without incurring Liability to repair Highways.

47. All Penalties under this Act, and all Monies recoverable as Penalties, may be recovered summarily before any Two or more Justices in the Manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, and any Act amending the same; but where any Sum adjudged to be paid under this Act in respect of such Penalties or Monies exceeds Five Pounds, an Appeal may be had by any Person aggrieved to a Court of General or Quarter Sessions in manner provided by the One hundred and tenth Section of the Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled *An Act to consolidate and amend the Statute Law of* England *and* Ireland *relating to Larceny and other similar Offences.*

Recovery of Penalties.

SCHEDULE.

Proceedings of Highway Boards.

(1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions:

(*a.*) The First Meeting shall be held at the Time and Place fixed by the Order of the Justices in that Behalf:

(*b.*) Not less than Four Ordinary Meetings shall be held in each Period of Twelve Months:

(*c.*) An Extraordinary Meeting may be summoned at any Time on the Requisition of Three Members of the Board addressed to the Clerk of the Board:

(*d.*) The Quorum to be fixed by the Board shall consist of not less than Three Members:

(*e.*) All Questions shall be decided by a Majority of Votes of the Members present:

(*f.*) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.

(2.) The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice Chairman for the Year following such Choice.

(3.) If any casual Vacancy occur in the Office of Chairman or Vice Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman or Vice Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

(4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice Chairman shall be the Chairman of the Meeting, and if neither the Chairman nor

nor Vice Chairman shall be present then the Members present shall choose some One of their Number to be Chairman of such Meeting.

(5.) In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

(6.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be signed by the Chairman for the Time being of the Meeting, and Two other Members of the Board, and countersigned by the Clerk.

FORM (A.)

NOTICE is hereby given, That at the Court of *General* or *Quarter* Sessions to be held on the Day of a Proposal will be made *to divide the County of Lincoln into Highway Districts* [or *to divide the Parts of Holland in the County of Lincoln into Highway Districts*, or *to constitute the County of Rutland a Highway District*, or *to constitute the Parishes of Alford, Castle Carey, and Lovington, in the County of Somerset, a Highway District*].

FORM (B.)

WHEREAS at a Court of *General* or *Quarter* Sessions, held on the Day of last, a Provisional Order was made in the Words following; that is to say, [*here set out the Provisional Order*]

Notice is hereby given, that the Confirmation of the said Provisional Order by a Final Order will be taken into Consideration by the Justices at the Court of *General* or *Quarter* Sessions to be held on the Day of next.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORÆ REGINÆ.

***

This Act incorporated with recited Act.

2. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Provisions of 13 & 14 Vict. c. 68. relating to Duration of Poll at contested Elections for Counties in Ireland, repealed.

3. So much of the said recited Act as authorizes the Continuance of the polling at every contested Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* for Two Days, and prescribes the Duties of the Sheriff and Sheriff Deputies and Clerk at such Poll during those Days, and fixes the Commencement and limits the Hours of polling on such Days, and prevents the Commencement of such polling on a *Saturday*, shall be and the same is hereby repealed.

Regulating Time for polling at Elections for Knights of the Shire in Ireland, &c.

4. At every contested Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* which shall take place after the Commencement of this Act, the polling shall commence on the next Day but Two after the Day fixed for the Election (such Day not being *Sunday*, *Good Friday*, or *Christmas Day*), and shall continue for One Day only, save in the Cases hereinafter mentioned, and shall commence at the Hour of Eight in the Forenoon of the Day next but Two after the Day fixed for the Election, and be kept open until Five in the Afternoon of such Day, any Statute to the contrary notwithstanding: Provided always, that when such next Day but Two after the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then in case it be *Sunday* the Poll shall be on the *Monday* next following, and in case it be *Good Friday* then on the *Saturday* next following, and in case it be *Christmas Day* then on the next Day following if the same shall not be *Sunday*, and, if it be *Sunday*, on the next following *Monday:* Provided always, that in case any Election shall take place for any County in *Ireland* before or on the said First Day of *January* One thousand eight hundred and sixty-three, the Poll and Proceedings thereat shall be taken in the same Manner as if this Act had not been passed.

Elections on or before the 1st January 1863 not to be affected.

Duty of Poll Clerks at such Elections.

5. The Clerks appointed to take the Poll at the several Places appointed for polling for the several Baronies or Half Baronies, or any Division thereof respectively, and in the several Polling Booths, shall, at the final Close of the Day's Poll, enclose and seal their several Books, and shall publicly deliver them, so enclosed and sealed, to the Sheriff or Sheriff's Deputy presiding at such Poll; and every such Deputy

Deputy who shall have received any such Poll Books shall forthwith deliver the same, so enclosed and sealed, to the Sheriff or his Under-sheriff, who shall receive and keep all the Poll Books unopened until the re-assembling of the Court on the Day next but One after the Close of the Poll, unless such Day shall be *Sunday*, and then on the *Monday* following, at an Hour not earlier than Eleven in the Forenoon of the said Day, when he shall openly break the Seals thereon, and cast up the Number of Votes as they appear in the said several Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before the Hour of Two in the Afternoon of the said Day, any Statute to the contrary notwithstanding.

Poll may be closed in certain Cases as heretofore.

6. Nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, from closing the Poll at any contested Election for any County in *Ireland*, previous to the Expiration of the Time fixed by this Act, in any Case where the same might have been lawfully closed before the passing of this Act.

Proceedings in Cases of Riot.

7. Where the Proceedings at any Election after the Commencement of this Act (whether such Proceedings shall consist of the Nomination of a Candidate or Candidates or of the taking of the Poll) shall be interrupted or obstructed by any Riot or open Violence at or near the Place of Election or a Polling Place, or shall be interrupted or obstructed by any Riot or open Violence taking place elsewhere by the violent or forcible Prevention, Obstruction, or Interruption of Voters proceeding on their Way to such Election or Polling Place, (such last-mentioned Prevention, Obstruction, or Interruption of Voters proceeding on their Way as aforesaid being shown by Affidavit,) the Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination or the taking of the Poll, at the particular Polling Place or Polling Places at or near to which, or on the Way to which, such Interruption or Obstruction shall have happened, until the following Day, and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the Sheriff or Returning Officer, or his Deputy, shall again proceed with the Business of the Nomination or with the taking the Poll, as the Case may be, at the Place or Places at or near to which, or on the Way to which, the same respectively

tively may have been interrupted or obstructed; and the Day on which the Business of the Nomination shall have been concluded shall be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly; and any Day whereon the Poll shall have been so adjourned shall not at such Place or Places be reckoned the Day of polling at such Election within the Meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer, anything herein-before contained, or in any other Statute, to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an Adjournment to a *Sunday*, but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made.

Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled to Lord Lieutenant.

8. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council in *Ireland*, from Time to Time hereafter, on Petition from the Justices of any County or Riding in *Ireland* in Quarter Sessions assembled, representing that the Polling Places for such County or Riding are insufficient in Number or inconveniently situated, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County or Riding within which such Place or Places is or are situate, or may be discontinued as such Polling Place or Places, and that a Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively, in such Petition mentioned, may constitute a District for polling at a Polling Place in such Petition mentioned, (anything in the said recited Act, providing that a Barony or Half Barony shall not be divided, to the contrary notwithstanding,) or praying that any Polling District or Districts may be altered, and that any Barony or Half Barony, or any Portion thereof respectively, may be detached from any such Polling District, and be annexed to any other Polling District, as the Case may be, to declare that any Place or Places mentioned in the said Petition shall be a Polling Place or Polling

Polling Places for that County or Riding, or shall be discontinued as such Polling Place or Places, and that the Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively in such Petition mentioned, shall constitute a District for Polling at such Polling Place, and that the other Polling Districts of the said County or Riding shall be altered accordingly; or to declare that any Polling District or Districts shall be altered, and that any Barony or Half Barony, or Portion thereof respectively, shall be detached from any such Polling District, and be annexed to any other Polling District.

Place in which the Court for Revision of Lists may be held.

9. Notwithstanding the Provisions of the Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Sixty-nine, Section Forty-six, it shall not be necessary for the Assistant Barrister or Chairman of Quarter Sessions to hold a separate Court for the Revision of the List of Parliamentary Voters who are to poll in any such new District so to be constituted and declared at the Polling Place appointed for such new District; but it shall be lawful for the said Assistant Barrister or Chairman, if he shall so think fit, to revise the said List of Voters for such new District at a Court to be held at the Place in which the List of Parliamentary Voters for the Barony or Half Barony out of which such District shall be constituted had been held previous to the Constitution of such new District, or at such other Place as the Lord Lieutenant or other Chief Governor of *Ireland* shall appoint.

Declaration or Order to be certified by Clerk of Privy Council, and published in Dublin Gazette.

10. Every such Declaration or Order for creating additional Polling Places and the Polling Districts for the same, or for discontinuing or altering any Polling District or Districts, shall be certified under the Hand of the Clerk of the said Privy Council, and when so certified shall be published in the *Dublin Gazette*, and shall be of the same Force and Effect as if the same had been made by the Authority of Parliament: Provided always, that no such Petition as aforesaid shall be made by such Justices so assembled unless a Notice in Writing shall have been delivered, One Month at the least before the holding of such Quarter Sessions, to the Clerk of the Peace of the County or Riding wherein the same are held, signed by Two Justices of the Peace for such County or Riding, and residing therein, or by Ten Inhabitants, being registered Voters for such County or Riding, which Notice shall state that the Court will, when such Sessions are held, be moved to make such Petition; nor unless the Clerk of the Peace shall, Ten Days at the least before the holding of such Sessions, have caused a Copy of such Notice to be inserted twice at the

the least in Two of the Newspapers of such County or Riding, if Two Newspapers are published therein, or, if not, in a Newspaper published or commonly circulated therein, together with a Notice of the Day upon which, and the Place at which, such Quarter Sessions will be held; provided also, that when such Motion is made any Person objecting to the same shall be heard by such Court against the same, or any Part thereof, if he thinks fit.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXIII.

An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853." [29th *July* 1862.]

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 104. 18 & 19 Vict. c. 91. 16 & 17 Vict. c. 107.

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as Part of "The Merchant Shipping Act, 1854," herein-after termed the Principal Act. Short Title.

2. The Enactments described in Table (A.) in the Schedule to this Act shall be repealed as therein mentioned, except as to any Liabilities incurred before such Repeal. Enactments in Table (A.) repealed.

Registry and Measurement of Tonnage (Part II. of Merchant Shipping Act, 1854).

Equities not excluded by Merchant Shipping Act.

3. It is hereby declared that the Expression "Beneficial Interest," whenever used in the Second Part of the Principal Act, includes Interests arising under Contract and other equitable Interests; and the Intention of the said Act is that, without Prejudice to the Provisions contained in the said Act for preventing Notice of Trusts from being entered in the Register Book or received by the Registrar, and without Prejudice to the Powers of Disposition and of giving Receipts conferred by the said Act on registered Owners and Mortgagees, and without Prejudice to the Provisions contained in the said Act relating to the Exclusion of unqualified Persons from the Ownership of *British* Ships, Equities may be enforced against Owners and Mortgagees of Ships in respect of their Interest therein, in the same Manner as Equities may be enforced against them in respect of any other Personal Property.

Tonnage Rates under Local Acts may be levied on the registered Tonnage.

4. Any Body Corporate or Persons having Power to levy Tonnage Rates on Ships may, if they think fit, with the Consent of the Board of Trade, levy such Tonnage Rates upon the registered Tonnage of the Ships as determined by the Rules for the Measurement of Tonnage for the Time being in force under the Principal Act, notwithstanding that the Local Act or Acts under which such Rates are levied provides for levying the same upon some different System of Tonnage Measurement.

Certificates for Engineers (Part III. of Merchant Shipping Act, 1854).

Steam Ships to carry Certificated Engineers.

5. On and after the First Day of *June* One thousand eight hundred and sixty-three, every Steam Ship which is required by the Principal Act to have a Master possessing a Certificate from the Board of Trade shall also have an Engineer or Engineers possessing a Certificate or Certificates from the Board of Trade as follows; that is to say,

(1.) Engineers Certificates shall be of Two Grades, viz., "First-class Engineers Certificates," and "Second-class Engineers Certificates":

(2.) Every Foreign-going Steam Ship of One hundred nominal Horse Power or upwards shall have as its First and Second Engineers Two Certificated Engineers, the first possessing a "First-class Engineers Certificate," and the second possessing a "Second-class Engineers Certificate" or a Certificate of the higher Grade:

(3.) Every Foreign-going Steam Ship of less than One hundred nominal Horse Power shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:

(4.) Every

(4.) Every Sea-going Home Trade Passenger Steam Ship shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:

(5.) Every Person who, having been engaged to serve in any of the above Capacities in any such Steam Ship as aforesaid, goes to Sea in that Capacity without being at the Time entitled to and possessed of such Certificate as is required by this Section, and every Person who employs any Person in any of the above Capacities in such Ship without ascertaining that he is at the Time entitled to and possessed of such Certificate as is required by this Section, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

Examinations for Engineers Certificates of Competency.

6. The Board of Trade shall from Time to Time cause Examinations to be held of Persons who may be desirous of obtaining Certificates of Competency as Engineers: For the Purpose of such Examinations the Board of Trade shall from Time to Time appoint and remove Examiners, and award the Remuneration to be paid to them; lay down Rules as to the Qualification of Applicants, and as to the Times and Places of Examination; and generally do all such Acts as it thinks expedient in order to carry into effect the Examination of such Engineers as aforesaid.

Fees to be paid by Applicants for Examination.

7. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked (B.) in the Schedule hereto, as the Board of Trade directs; and such Fees shall be paid to such Persons as the said Board appoints for that Purpose, and shall be carried to the Account of the Mercantile Marine Fund.

Certificates of Competency to be granted to those who pass.

8. The Board of Trade shall deliver to every Applicant who is duly reported to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, and Ability, a Certificate of Competency, as First-class Engineer or as Second-class Engineer, as the Case may be.

Engineers Certificates of Service to be delivered on Proof of certain Service.

9. Certificates of Service for Engineers, differing in Form from Certificates of Competency, shall be granted as follows; that is to say,

(1.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as First Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or who has attained or attains the Rank of Engineer in the Service of Her Majesty or of the *East India* Company, shall be entitled to a "First-class Engineers Certificate" of Service:

(2.) Every

(2.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as Second Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or as First or only Engineer in any other Steam Ship, or who has attained or attains the Rank of First-class Assistant Engineer in the Service of Her Majesty, shall be entitled to a "Second-class Engineers Certificate" of Service:

Each of such Certificates of Service shall contain Particulars of the Name, Place, and Time of Birth, and the Length and Nature of the previous Service of the Person to whom the same is delivered; and the Board of Trade shall deliver such Certificates of Service to the various Persons so respectively entitled thereto, upon their proving themselves to have attained such Rank or to have served as aforesaid, and upon their giving a full and satisfactory Account of the Particulars aforesaid.

Certain Provisions of Merchant Shipping Act to apply to Engineers Certificates.

10. The Provisions of the Principal Act, with respect to the Certificates of Competency or Service of Masters and Mates, contained in the 138th, 139th, 140th, 161st, and 162d Sections of the said Act, shall apply to Certificates of Competency or Service granted under this Act in the same Manner as if Certificates of Competency and Service to be granted to Engineers under this Act were specially mentioned and included in the said Sections.

Power of Board of Trade and Local Marine Board to investigate Conduct of Certificated Engineers.

11. The Power by the 241st Section of the Principal Act given to the Board of Trade or to any Local Marine Board of instituting Investigations into the Conduct of any Master or Mate whom it has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, shall extend to any Certificated Engineer whom the Board of Trade or any Local Marine Board has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, in the same Manner as if in the said Section the Words "Certificated Engineer" had been inserted after "Master" wherever "Master" occurs in such Section.

Declaration of Engineer Surveyor to contain Statement concerning Engineers Certificate.

12. The Declaration required to be given by the Engineer Surveyor under Section 309 of the Principal Act shall, in the Case of a Ship by this Act required to have a Certificated Engineer, contain, in addition to the Statements in the said Section mentioned, a Statement that the Certificate or Certificates of the Engineer or Engineers of such Ship is or are such and in such Condition as is required by this Act.

Masters and Seamen (*Part III. of Merchant Shipping Act*, 1854).

Third Part of Act to apply to Fishing Boats, Light-

13. The following Vessels; that is to say,

(1.) Registered Seagoing Ships exclusively employed in Fishing on the Coasts of the United Kingdom;

(2.) Seagoing

(2.) Seagoing Ships belonging to any of the Three General Lighthouse Boards;

(3.) Seagoing Ships being Pleasure Yachts;

Shall be subject to the whole of the Third Part of the Principal Act; except,—Sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287.

house Vessels, and Pleasure Yachts, with certain Exceptions.

14. Whereas Doubts have been entertained whether Local Marine Boards have the Power of determining a Quorum: It is hereby declared, That the Power by the 119th Section of the Principal Act given to every Local Marine Board of regulating the Mode in which its Meetings are to be held and its Business conducted includes the Power of determining a Quorum; nevertheless, after the passing of this Act such Quorum shall never consist of less than Three Members.

Local Marine Board may determine Number of Quorum.

15. The Offices termed Shipping Offices in the Principal Act shall be termed Mercantile Marine Offices, and the Officers termed Shipping Masters and Deputy Shipping Masters in the Principal Act shall be termed Superintendents and Deputy Superintendents of such Offices; but nothing in this Section contained shall invalidate or affect any Act which may be done at any such Office under the Title of a Shipping Office, or any Act which may be done by, with, or to any of the said Officers under the Title of Shipping Master or Deputy Shipping Master.

Titles of Shipping Masters.

16. Any Person appointed to any Office or Service by or under any Local Marine Board shall be deemed to be a Clerk or Servant within the Meaning of the Sixty-eighth Section of the Act of the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Ninety-six:

If any such Person fraudulently applies or disposes of any Chattel, Money, or valuable Security received by him whilst employed in such Office or Service for or on account of any such Local Marine Board, or for or on account of any other public Board or Department, to his own Use or any Use or Purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any Part thereof contrary to any lawful Directions or Instructions which he is required to obey in relation to such Office or Service, he shall be deemed guilty of Embezzlement within the Meaning of the said Section:

Any such Person shall, on Conviction of such Offence as aforesaid, be liable to the same Pains and Penalties as are thereby imposed upon any Clerk or Servant for Embezzlement:

Punishment for Embezzlement in Shipping Offices.

In any Indictment against such Person for such Offence it shall be sufficient to charge any such Chattel, Money, or valuable Security as the Property either of the Board by which he was appointed, or of the Board or Department for or on account of which he may have received the same; and no greater Particularity in the Description of the Property shall be required in such Indictment in order to sustain the same, or in proof of the Offence alleged, than is required in respect of an Indictment or the Subject Matter thereof by the Seventy-first Section of the said last-mentioned Act.

Examinations of Masters and Mates at Ports where there are no Local Marine Boards.

17. Whereas it is expedient to make Provision in certain Cases for holding Examinations of Applicants for Certificates of Competency at Places where there are no Local Marine Boards: Be it enacted, That the Board of Trade, if satisfied that serious Inconvenience exists at any Port in consequence of the Distance which Applicants for Certificates have to travel in order to be examined, may, with the Concurrence of any Local Marine Board, send the Examiner or Examiners of that Local Marine Board to the Port where such Inconvenience exists; and thereupon the said Examiner or Examiners shall proceed to such Port, and shall there examine the Applicants in the Presence of such Person or Persons (if any) as the Board of Trade may appoint for the Purpose; and such Examinations shall be conducted in the same Manner and shall have the same Effect as other Examinations under the said Act.

Construction of Sect. 182 of Principal Act. Stipulations concerning Salvage.

18. It is hereby declared that the 182d Section of the Principal Act does not apply to the Case of any Stipulation made by the Seamen belonging to any Ship, which according to the Terms of the Agreement is to be employed on Salvage Service, with respect to the Remuneration to be paid to them for Salvage Services to be rendered by such Ship to any other Ship or Ships.

Payment of Wages to Seamen abroad under Section 209 of Principal Act.

19. The Payment of Seamen's Wages required by the 209th Section of the Principal Act shall, whenever it is practicable so to do, be made in Money and not by Bill; and in Cases where Payment is made by Bill drawn by the Master, the Owner of the Ship shall be liable to pay the Amount for which the same is drawn to the Holder or Indorsee thereof; and it shall not be necessary in any Proceeding against the Owner upon such Bill to prove that the Master had Authority to draw the same; and any Bill purporting to be drawn in pursuance of the said Section, and to be indorsed as therein required, if produced out of the Custody of the Board of Trade or of the Registrar General of Seamen, or of any Superintendent of any Mercantile Marine Office, shall be received in Evidence; and any Indorsement on any such Bill purporting to be made in pursuance of the said Section, and to be

sign

signed by One of the Functionaries therein mentioned, shall also be received in Evidence, and shall be deemed to be *primâ facie* Evidence of the Facts stated in such Indorsement.

Wages and Effects of deceased Seamen.

20. The 197th Section of the Principal Act shall extend to Seamen or Apprentices who within the Six Months immediately preceding their Death have belonged to a *British* Ship; and such Section shall be construed as if there were inserted in the First Line thereof after the Words "such Seaman or Apprentice as last aforesaid" the Words "or if any Seaman or Apprentice who has within the Six Months immediately preceding his Death belonged to a *British* Ship."

Recovery of Wages, &c. of Seamen lost with their Ship.

21. The Wages of Seamen or Apprentices who are lost with the Ship to which they belong shall be dealt with as follows; (that is to say,)

(1.) The Board of Trade may recover the same from the Owner of the Ship in the same Manner in which Seamen's Wages are recoverable:

(2.) In any Proceedings for the Recovery of such Wages, if it is shown by some official Return produced out of the Custody of the Registrar General of Seamen or by other Evidence that the Ship has Twelve Months or upwards before the Institution of the Proceeding left a Port of Departure, and if it is not shown that she has been heard of within Twelve Months after such Departure, she shall be deemed to have been lost with all Hands on board, either immediately after the Time she was last heard of or at such later Time as the Court hearing the Case may think probable:

(3.) The Production out of the Custody of the Registrar General of Seamen or of the Board of Trade of any Duplicate Agreement or List of the Crew made out at the Time of the last Departure of the Ship from the United Kingdom, or of a Certificate purporting to be a Certificate from a Consular or other public Officer at any Port abroad, stating that certain Seamen or Apprentices were shipped in the Ship from the said Port, shall, in the Absence of Proof to the contrary, be sufficient Proof that the Seamen or Apprentices therein named were on board at the Time of the Loss:

(4.) The Board of Trade shall deal with such Wages in the Manner in which they deal with the Wages of other deceased Seamen and Apprentices under the Principal Act.

Relief of distressed Seamen to be regulated

22. Whereas under the 211th and 212th Sections of the Principal Act, and the 16th Section of "The Merchant Shipping Act Amendment Act, 1855," Provision is made for relieving and sending home

by Board of Trade.

home Seamen found in Distress abroad: And whereas Doubts are entertained whether Power exists under the said Sections of making Regulations and imposing Conditions which are necessary for the Prevention of Desertion and Misconduct and the undue Expenditure of Public Money: Be it enacted, and it is hereby declared, That the Claims of Seamen to be relieved or sent home in pursuance of the said Sections or any of them shall be subject to such Regulations and dependent on such Conditions as the Board of Trade may from Time to Time make or impose; and no Seaman shall have any Right to demand to be relieved or sent home except in the Cases and to the Extent provided for by such Regulations and Conditions.

Power of cancelling Certificate to rest with the Court which hears the Case.

23. The following Rules shall be observed with respect to the Cancellation and Suspension of Certificates, that is to say:

(1.) The Power of cancelling or suspending the Certificate of a Master or Mate by the 242d Section of the Principal Act conferred on the Board of Trade shall (except in the Case provided for by the Fourth Paragraph of the said Section) vest in and be exercised by the Local Marine Board, Magistrates, Naval Court, Admiralty Court, or other Court or Tribunal by which the Case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:

(2.) Such Power shall extend to cancelling or suspending the Certificates of Engineers in the same Manner as if "Certificated Engineer" or "Certificated Engineers" were inserted throughout such Section after "Master" or "Masters":

(3.) Every such Board, Court, or Tribunal shall at the Conclusion of the Case, or as soon afterwards as possible, state in open Court the Decision to which they may have come with respect to cancelling or suspending Certificates, and shall in all Cases send a full Report upon the Case, with the Evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any Certificate, forward such Certificate to the Board of Trade with their Report:

(4.) It shall be lawful for the Board of Trade, if they think the Justice of the Case require it, to reissue and return any Certificate which has been cancelled or suspended, or shorten the Time for which it is suspended, or grant a new Certificate of the same or any lower Grade in place of any Certificate which has been cancelled or suspended:

(5.) The 434th and 437th Sections of the Principal Act shall be read as if for the Word "Nautical" were substituted the Words "Nautical or Engineering," and as if for the Word "Person" and "Assessor" respectively were substituted the Words

Words "Person or Persons" and "Assessor or Assessors" respectively:

(6.) No Certificate shall be cancelled or suspended under this Section unless a Copy of the Report or a Statement of the Case upon which the Investigation is ordered has been furnished to the Owner of the Certificate before the Commencement of the Investigation, nor, in the Case of Investigations conducted by Justices or a Stipendiary Magistrate, unless One Assessor at least expresses his Concurrence in the Report.

Certificate to be delivered up.

24. Every Master or Mate or Engineer whose Certificate is or is to be suspended or cancelled in pursuance of this Act shall, upon Demand of the Board, Court, or Tribunal by which the Case is investigated or tried, deliver his Certificate to them, or, if it is not demanded by such Board, Court, or Tribunal, shall, upon Demand, deliver it to the Board of Trade, or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Safety (Part IV. of Merchant Shipping Act, 1854).

Enactment of Regulations concerning Lights, Fog Signals, and Sailing Rules in Schedule, Table (C.)

25. On and after the First Day of *June* One thousand eight hundred and sixty-three, or such later Day as may be fixed for the Purpose by Order in Council, the Regulations contained in the Table marked (C.) in the Schedule hereto shall come into operation and be of the same Force as if they were enacted in the Body of this Act; but Her Majesty may from Time to Time, on the joint Recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said Regulations, or make new Regulations in addition thereto or in substitution therefor; and any Alterations in or Additions to such Regulations made in manner aforesaid shall be of the same Force as the Regulations in the said Schedule.

Regulations to be published.

26. The Board of Trade shall cause the said Regulations and any Alterations therein or Additions thereto hereafter to be made to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same; and Production of the Gazette in which any Order in Council containing such Regulations or any Alterations therein or Additions thereto is published, or of a Copy of such Regulations, Alterations, or Additions, signed or purporting to be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or sealed or purporting to be sealed with the Seal of the Board of Trade, shall be sufficient Evidence of the due making and Purport of such Regulations, Alterations, or Additions.

Owners and Masters bound to obey them.

27. All Owners and Masters of Ships shall be bound to take notice of all such Regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other Lights and to use no other Fog Signals than such as are required by the said Regulations; and in case of wilful Default, the Master, or the Owner of the Ship if it appear that he was in such Fault, shall, for each Occasion upon which such Regulations are infringed, be deemed to be guilty of a Misdemeanor.

Breaches of Regulations to imply wilful Default of Person in charge.

28. In case any Damage to Person or Property arises from the Non-observance by any Ship of any Regulation made by or in pursuance of this Act, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such Ship at the Time, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary.

If Collision ensues from Breach of the Regulations, Ship to be deemed in fault.

29. If in any Case of Collision it appears to the Court before which the Case is tried that such Collision was occasioned by the Non-observance of any Regulation made by or in pursuance of this Act, the Ship by which such Regulation has been infringed shall be deemed to be in fault, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary.

Inspection for enforcing Regulations.

30. The following Steps may be taken in order to enforce Compliance with the said Regulations; that is to say,

(1.) The Surveyors appointed under the Third Part of the Principal Act, or such other Persons as the Board of Trade may appoint for the Purpose, may inspect any Ships for the Purpose of seeing that such Ships are properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations, and shall for that Purpose have the Powers given to Inspectors by the 14th Section of the Principal Act:

(2.) If any such Surveyor or Person finds that any Ship is not so provided, he shall give to the Master or Owner Notice in Writing, pointing out the Deficiency, and also what is, in his Opinion, requisite in order to remedy the same:

(3.) Every Notice so given shall be communicated in such Manner as the Board of Trade may direct to the Collector or Collectors of Customs at any Port or Ports from which such Ship may seek to clear or at which her Transire is to be obtained; and no Collector to whom such Communication is made shall clear such Ship outwards or grant her a Transire, or allow her

her to proceed to Sea, without a Certificate under the Hand of One of the said Surveyors or other Persons appointed by the Board of Trade as aforesaid, to the Effect that the said Ship is properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations.

Rules for Harbours under Local Acts to continue in force.

31. Any Rules concerning the Lights or Signals to be carried by Vessels navigating the Waters of any Harbour, River, or other Inland Navigation, or concerning the Steps for avoiding Collision to be taken by such Vessels, which have been or are hereafter made by or under the Authority of any Local Act, shall continue and be of full Force and Effect notwithstanding anything in this Act or in the Schedule thereto contained.

In Harbours and Rivers where no such Rules exist they may be made.

32. In the Case of any Harbour, River, or other Inland Navigation for which such Rules are not and cannot be made by or under the Authority of any Local Act, it shall be lawful for Her Majesty in Council, upon Application from the Harbour Trust or Body Corporate, if any, owning or exercising Jurisdiction upon the Waters of such Harbour, River, or Inland Navigation, or, if there is no such Harbour Trust or Body Corporate, upon Application from Persons interested in the Navigation of such Waters, to make Rules concerning the Lights or Signals to be carried, and concerning the Steps for avoiding Collision to be taken by Vessels navigating such Waters; and such Rules, when so made, shall, so far as regards Vessels navigating such Waters, have the same Effect as if they were Regulations contained in Table (C.) in the Schedule to this Act, notwithstanding anything in this Act or in the Schedule thereto contained.

In case of Collision one Ship shall assist the other.

33. In every Case of Collision between Two Ships it shall be the Duty of the Person in charge of each Ship, if and so far as he can do so without Danger to his own Ship and Crew, to render to the other Ship, her Master, Crew, and Passengers (if any), such Assistance as may be practicable and as may be necessary in order to save them from any Danger caused by the Collision:

In case he fails so to do, and no reasonable Excuse for such Failure is shown, the Collision shall, in the Absence of Proof to the contrary, be deemed to have been caused by his wrongful Act, Neglect, or Default; and such Failure shall also, if proved upon any Investigation held under the Third or the Eighth Part of the Principal Act, be deemed to be an Act of Misconduct or a Default for which his Certificate (if any) may be cancelled or suspended.

Surveys of Steamers.

34. Notwithstanding anything in the 311th Section of the Principal Act contained, it shall not be necessary for the Surveys of Passenger Steamers

Steamers to be made in the Months of *April* and *October*; but no Declaration shall be given by any Surveyor under the Fourth Part of the said Act for a Period exceeding Six Months, and no Certificate issued by the Board of Trade shall remain in force more than Six Months from the Date thereof.

Penalties on drunken or disorderly Passengers.

35. The following Offenders, that is to say,

(1.) Any Person who, being drunken or disorderly, has been on that Account refused Admission into any duly surveyed Passenger Steamer by the Owner or any Person in his Employ, and who, after having had the Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such Steamer;

(2.) Any Person who being drunken or disorderly on board any such Steamer is requested by the Owner or any Person in his Employ to leave the same at any Place in the United Kingdom at which he can conveniently so do, and who, having had the Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request;

On Persons molesting Passengers.

(3.) Any Person on board any such Steamer who after Warning by the Master or any other Officer of the Steamer molests or continues to molest any Passenger;

Penalties on Persons forcing way on board the Ship when full.

(4.) Any Person, who, after having been refused Admission into any such Steamer by the Owner or any Person in his Employ on account of such Steamer being full, and who after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same;

And on Persons refusing to quit the Ship when full.

(5.) Any Person, having got on board any such Steamer, who, upon being requested on the like Account by the Owner or any Person in his Employ to leave such Steamer before the same has quitted the Place at which such Person got on board, and who upon having the full Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request;

Penalties for avoiding Payment of Fares.

(6.) Any Person who travels or attempts to travel in any such Steamer without having previously paid his Fare, and with Intent to avoid Payment thereof;

(7.) Any Person who, having paid his Fare for a certain Distance, knowingly and wilfully proceeds in any such Steamer beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof;

(8.) Any

(8.) Any Person who knowingly and wilfully refuses or neglects, on arriving at the Point to which he has paid his Fare, to quit any such Steamer; and

(9.) Any Person on board any such Steamer who does not when required by the Master or other Officer of such Steamer either pay his Fare or exhibit such Ticket or other Receipt (if any) showing the Payment of his Fare as is usually given to Persons travelling by and paying their Fare for such Steamer;

Shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; but such Liability shall not prejudice the Recovery of any Fare payable by him.

Penalty for injuring Steamer or molesting Crew.

36. Any Person on board any such Steamer who wilfully does or causes to be done anything in such a Manner as to obstruct or injure any Part of the Machinery or Tackle of such Steamer, or to obstruct, impede, or molest the Crew or any of them in the Navigation or Management of such Steamer, or otherwise in the Execution of their Duty upon or about such Steamer, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Manner of apprehending Offenders.

37. It shall be lawful for the Master or other Officer of any duly surveyed Passenger Steamer, and for all Persons called by him to his Assistance, to detain any Person who has committed any Offence against any of the Provisions of the Two last preceding Sections of this Act, and whose Name and Address are unknown to such Officer, and to convey such Offender with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall have Jurisdiction to try the Case, and shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Provisions as to carrying dangerous Goods.

38. The Provisions of the 329th Section of the Principal Act shall extend to Foreign Ships when within the Limits of the United Kingdom.

Pilotage (Part V. of Merchant Shipping Act, 1854).

Power of Pilotage Authorities to exempt from compulsory Pilotage.

39. Whereas it is enacted by the Principal Act that every Pilotage Authority shall have Power, in manner and subject to the Conditions therein mentioned, to do the following Things; (that is to say,)

To exempt the Masters of any Ships or of any Classes of Ships from being compelled to employ qualified Pilots:

To alter and reduce Rates of Pilotage.

To lower and modify the Rates and Prices or other Remuneration to be demanded and received for the Time being by Pilots licensed by such Authority:

To arrange the Limits of Pilotage Districts.

To make Arrangements with any other Pilotage Authority for altering the Limits of their respective Districts, and for extending the Powers of such other Authority, and transferring its own Powers to such last-mentioned Authority:

And whereas it is expedient that increased Facilities should be given for effecting the Objects contemplated by the said recited Enactments, and for further amending the Law concerning Pilotage, and that in so doing Means should be afforded for paying due Regard to existing Interests and to the Circumstances of particular Cases: Be it enacted, That it shall be lawful for the Board of Trade, by Provisional Order, to do the following Things; that is to say,

Power by Provisional Order,—

To transfer Pilotage Jurisdiction.

(1.) Whenever any Pilotage Authority residing or having its Place of Business at One Port has or exercises Jurisdiction in Matters of Pilotage in any other Port, to transfer so much of the said Jurisdiction as concerns such last-mentioned Port to any Harbour Trust or other Body exercising any local Jurisdiction in Maritime Matters at the last-mentioned Port or to any Body to be constituted for the Purpose by the Provisional Order, or, in Cases where the said Pilotage Authority is not the *Trinity House of Deptford Strond*, to the said *Trinity House;* or to transfer the whole or any Part of the Jurisdiction of the said Pilotage Authority to a new Body Corporate or Body of Persons to be constituted for the Purpose by the Provisional Order, so as to represent the Interests of the several Ports concerned:

And to make consequent Arrangements.

(2.) To make the Body Corporate or Persons to whom the said Transfer is made a Pilotage Authority within the Meaning of the Principal Act, with such Powers for the Purpose as may be in the Provisional Order in that Behalf mentioned:

To determine the Limits of the District of the Pilotage Authority to which the Transfer of Jurisdiction is made:

To sanction a Scale of Pilotage Rates to be taken by the Pilots to be licensed by the last-mentioned Pilotage Authority:

To determine to what Extent and under what Conditions any Pilots already licensed by the former Pilotage Authority shall continue to act under the new Pilotage Authority:

To sanction Arrangements for the Apportionment of any Pilotage Funds belonging to the Pilots licensed by the former Pilotage Authority between the Pilots remaining under the Jurisdiction of that Authority and the Pilots who are transferred to the Jurisdiction of the new Authority:

To provide for such Compensation or Superannuation as may be just to Officers employed by the former Pilotage Authority and not continued by the new Authority:

(3.) To

(3.) To constitute a Pilotage Authority and to fix the Limits of its District in any Place in the United Kingdom where there is no such Authority; so, however, that in the new Pilotage Districts so constituted there shall be no compulsory Pilotage, and no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots: To constitute new Authorities.

(4.) To exempt the Masters and Owners of all Ships, or of any Classes of Ships, from being obliged to employ Pilots in any Pilotage District or in any Part of any Pilotage District, or from being obliged to pay for Pilots when not employing them in any District or in any Part of any Pilotage District, and to annex any Terms and Conditions to such Exemptions: To exempt from compulsory Pilotage in any District.

(5.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to license Pilots and fix Pilotage Rates for any Part of the District within the Jurisdiction of such Authority for which no such Licences or Rates now exist: To enable existing Authorities to grant Licences and fix Rates.

(6.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to raise all or any of the Pilotage Rates now in force in the District or any Part of the District within the Jurisdiction of such Authority: To raise Rates.

(7.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Number of Pilots, or on the Power of duly qualified Persons to obtain Licences as Pilots, to give additional Facilities for the Recovery of Pilotage Rates and for the Prevention of the Employment of unqualified Pilots: To facilitate Recovery of Rates in certain Cases.

(8.) To give Facilities for enabling duly qualified Persons, after proper Examination as to their Qualifications, to obtain Licences as Pilots. To facilitate Grants of Licences.

40. The following Rules shall be observed with respect to Provisional Orders made in pursuance of this Act: Regulations with respect to Manner of making and confirming Provisional Orders.

1. Application in Writing for such Order shall be made to the Board of Trade by some Persons interested in the Pilotage of the District or in the Operation of the Laws or Regulations relating to such Pilotage:
2. Notice of such Application having been made shall be published once at the least in each of Two successive Weeks in the Month immediately succeeding the Time of such Application in the *Shipping Gazette*, and in some Newspaper or

or Newspapers circulating in the County, or, if there are more than One, in the Counties adjacent to the Pilotage District to be affected by the Order:

3. The Notice so published shall state the Objects which it is proposed to effect by the Provisional Order:

4. The Board of Trade on receiving the Application shall refer the same to the Pilotage Authority or Authorities of the District, and shall receive and consider any Objections which may be made to the proposed Provisional Order, and shall for that Purpose allow at least Six Weeks to elapse between the Time of referring the Application to the Pilotage Authority and the Time of making the Provisional Order:

5. The Board of Trade shall, after considering all Objections, determine whether to proceed with the Provisional Order or not; and shall, if they determine to proceed with it, settle it in such Manner and with such Terms and Conditions, not being inconsistent with the Provisions of this Act, as they may think fit; and shall, when they have settled the same, forward Copies thereof to the Persons making the Application and to the Pilotage Authority or Authorities of the District or Districts to which it refers:

6. No such Provisional Order shall take effect unless and until the same is confirmed by Parliament; and for the Purpose of procuring such Confirmation the Board of Trade shall introduce into Parliament a Public General Bill, or Public General Bills, in which, or in the Schedule to which, the Provisional Order or Provisional Orders to be thereby confirmed shall be set out at Length:

7. If any Petition is presented to either House of Parliament against any such Provisional Order as aforesaid in the Progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the Order so petitioned against may be referred to a Select Committee, and the Petitioner shall in such Case be allowed to appear and oppose as in the Case of Private Bills.

Extension of Exemptions from compulsory Pilotage.

41. The Masters and Owners of Ships passing through the Limits of any Pilotage District in the United Kingdom on their Voyages between Two Places both situate out of such Districts shall be exempted from any Obligation to employ a Pilot within such District, or to pay Pilotage Rates when not employing a Pilot within such District: Provided that the Exemption contained in this Section shall not apply to Ships loading or discharging at any Place situate within such District, or at any Place situate above such District on the same River or its Tributaries.

42. Whereas

42. Whereas under the Provisions of the *Bristol Channel* Pilotage Act, 1861, Pilotage Authorities have been established at the Ports of *Newport* and *Gloucester*, and the Pilots theretofore licensed by the *Trinity House of Deptford Strond* for those Parts have ceased to be so licensed: And whereas no Provision has been made by the said Act for dealing with such Interests as the said Pilots may have in the *Trinity House* Pilot Fund mentioned in the Principal Act: Be it therefore enacted, That, notwithstanding the said Pilots have ceased to be licensed by the *Trinity House*, the *Trinity House* may make such an equitable Arrangement in the Administration of the *Trinity House* Pilot Fund mentioned in the Principal Act with reference to the Interests of the Pilots so ceasing to be licensed by them as aforesaid as they may in their Discretion think fit.

Arrangement of Pilot Funds for Bristol Channel Pilots.

Lighthouses (Part VI. of Merchant Shipping Act, 1854).

43. The following Rules shall be observed with respect to the Inspection of local Lighthouses, Buoys, and Beacons; that is to say,

Lights, &c. under Local Authorities to be inspected, &c. by Trinity House, and other General Authorities.

(1.) It shall be the Duty of each of the General Lighthouse Authorities, or of such Persons as may be authorized by such Authority for the Purpose, to inspect all Lights, Buoys, and Beacons situate within the Limits of the Jurisdiction of such General Authority, but belonging to or under the Jurisdiction of any Local Authorities, and to make such Inquiries in respect thereof and of the Management thereof as they may think fit:

(2.) All Officers and others having the Care of such Lighthouses, Buoys, or Beacons, or concerned in the Management thereof, shall furnish all such Information and Explanations concerning the same as they may require:

(3.) All such Local Authorities and their respective Officers shall at all Times give to the Inspecting Authority all such Returns, Explanations, or Information concerning the Lighthouses, Buoys, and Beacons within their Jurisdiction, and the Management thereof, as the said Authority may from Time to Time require:

(4.) The Inspecting Authority shall communicate to each Local Authority the Results of its Inspection of the Lighthouses, Buoys, and Beacons within its Jurisdiction, and shall also make general Reports of the Results of its Inspection of local Lighthouses, Buoys, and Beacons to the Board of Trade; and such Reports shall be laid before Parliament:

(5.) The Powers given by the 394th Section of the Principal Act to the General Lighthouse Authorities shall, so far as the same are applicable, extend and apply to the Case of local

Buoys and Beacons, other than local Buoys and Beacons placed or erected for temporary Purposes, as well as to the Case of local Lighthouses.

Liability for and Recovery of Light Dues.

44. The following Persons shall be liable to pay Light Dues for any Ship in respect of which Light Dues are payable; (that is to say,) the Owner or Master, or such Consignees or Agents thereof as have paid or made themselves liable to pay any other Charge on account of such Ship in the Port of her Arrival or Discharge, and in default of Payment such Light Dues may be recovered in the same Manner as Penalties of the like Amount may be recovered by virtue of the Principal Act.

Powers of Consignees to retain Light Dues paid by them.

45. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the Payment of Light Dues in respect of any Ship may, out of any Monies in his Hands received on account of such Ship, or belonging to the Owner thereof, retain the Amount of all Dues so paid by him, together with any reasonable Expenses he may have incurred by reason of such Payment or Liability.

Dues may be levied for local Lights.

46. If any Lighthouse, Buoy, or Beacon is erected or placed, or reconstructed, repaired, or replaced by any Local Authority having Jurisdiction in the Matter of Lighthouses, Buoys, or Beacons, Her Majesty may, on the Application of the said Local Authority, by Order in Council fix such Dues to be paid to the said Local Authority in respect of every Ship which enters the Port or Harbour under the Jurisdiction of such Local Authority or the Estuary wherein such Lighthouse, Buoy, or Beacon is situate, and which passes the said Lighthouse, Buoy, or Beacon, and derives Benefit therefrom, as Her Majesty may deem reasonable:

The Dues for the Time being fixed by any such Order in Council as aforesaid shall be paid accordingly by the Master of the said Ship or other Person or Persons by whom the said Light Dues, if levied by One of the General Lighthouse Authorities, would be payable, and shall be recoverable in the same Manner as Light Dues payable to such General Authorities are recoverable.

Application of and Accounts of such Dues.

47. All Light Dues leviable by any Local Authority under this Act shall be applied for the Purposes of the Construction, Placing, Maintenance, and Improvement of the Lighthouses, Buoys, and Beacons in respect of which the same are levied, and for no other Purpose:

The Local Authority to whom the same are paid shall keep a separate Account of the Receipt and Expenditure of such Dues, and shall once in

in every Year, or at such other Time as the Board of Trade may determine, send a Copy of such Account to the Board of Trade, and shall send the same in such Form and shall give such Particulars in relation thereto as the Board of Trade may require:

Her Majesty may by Order in Council from Time to Time reduce, alter, or increase all or any of such Dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the Payment of the Expenses incurred by the Local Authority in respect of the Lighthouses, Buoys, or Beacons for which the Dues are levied.

Construction of Sect. 431. of Principal Act.

48. The 431st Section of the Principal Act shall be read as if after the Word "Ships" there were inserted the Words "and Boats."

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854.)

Extension and Amendment of summary Jurisdiction in small Salvage Cases.

49. The Provisions contained in the Eighth Part of the Principal Act for giving summary Jurisdiction to Two Justices in Salvage Cases, and for preventing unnecessary Appeals and Litigation in such Cases, shall be amended as follows; (that is to say,)

(1.) Such Provision shall extend to all Cases in which the Value of the Property saved does not exceed One thousand Pounds, as well as to the Cases provided for by the Principal Act:

(2.) Such Provisions shall be held to apply whether the Salvage Service has been rendered within the Limits of the United Kingdom or not:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors, to appoint out of the Justices for any Borough or County a Rota of Justices by whom Jurisdiction in Salvage Cases shall be exercised:

(4.) When no such Rota is appointed, it shall be lawful for the Salvors, by Writing addressed to the Justice's Clerk, to name One Justice, and for the Owner of the Property saved in like Manner to name the other:

(5.) If either Party fails to name a Justice within a reasonable Time, the Case may be tried by Two or more Justices at Petty Sessions:

(6.) It shall be competent for any Stipendiary Magistrate, and also in *England* for any County Court Judge, in *Scotland* for the Sheriff or Sheriff Substitute of any County, and in *Ireland* for the Recorder of any Borough in which there is a Recorder, or for the Chairman of Quarter Sessions in any County, to exercise the same Jurisdiction in Salvage Cases as is given to Two Justices:

(7.) It

(7.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to determine a Scale of Costs to be awarded in Salvage Cases by any such Justices or Court as aforesaid:

(8.) All the Provisions of the Principal Act relating to summary Proceedings in Salvage Cases, and to the Prevention of unnecessary Appeals in such Cases, shall, except so far as the same are altered by this Act, extend and apply to all such Proceedings, whether under the Principal Act or this Act, or both of such Acts.

Receiver may appoint a Valuer in Salvage Cases.

50. Whenever any Salvage Question arises the Receiver of Wreck for the District may, upon Application from either of the Parties, appoint a Valuer to value the Property in respect of which the Salvage Claim is made, and shall, when the Valuation has been returned to him, give a Copy of the Valuation to both Parties; and any Copy of such Valuation, purporting to be signed by the Valuer, and to be attested by the Receiver, shall be received in Evidence in any subsequent Proceeding; and there shall be paid in respect of such Valuation, by the Party applying for the same, such Fee as the Board of Trade may direct.

Jurisdiction of Court of Session in Salvage Cases.

51. The Words "Court of Session" in the Four hundred and sixty-eighth Section of the Principal Act shall be deemed to mean and include either Division of the Court of Session or the Lord Ordinary officiating on the Bills during Vacation.

Delivery of Wreck by Receiver not to prejudice Title.

52. Upon Delivery of Wreck or of the Proceeds of Wreck by any Receiver to any Person in pursuance of the Provisions of the Eighth Part of the Principal Act such Receiver shall be discharged from all Liability in respect thereof, but such Delivery shall not be deemed to prejudice or affect any Question concerning the Right or Title to the said Wreck which may be raised by Third Parties, nor shall any such Delivery prejudice or affect any Question concerning the Title to the Soil on which the Wreck may have been found.

Crown Rights to Wreck.

53. Whereas by the Principal Act it is provided that the Proceeds of Wreck, if the same is not claimed by the Owner within a Year, and if no Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled thereto, shall, subject to certain Deductions, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may direct, and that the same shall be carried to and form Part of the Consolidated Fund of the United Kingdom:

And

And whereas Doubts have been entertained whether the said last-recited Provision is consistent with the Arrangements concerning the Hereditary Revenues of the Crown effected by the Act of the First Year of Her present Majesty, Chapter Two: And whereas Doubts have also been entertained whether due Provision is made by the said Act for paying to the Revenues of the Duchies of *Lancaster* and *Cornwall* respectively such of the said Proceeds as may belong to those Duchies: 1 Vict. c. 2.

It is hereby declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Crown shall, during the Life of Her present Majesty (whom God long preserve), be carried to and form Part of the Consolidated Fund of the United Kingdom, and shall after the Decease of Her present Majesty (whom God long preserve) be payable and paid to Her Majesty's Heirs and Successors:

And it is hereby further declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Duchy of *Lancaster* shall be paid to the Receiver General of the said Duchy or his sufficient Deputy or Deputies as Part of the Revenues of the said Duchy and be dealt with accordingly:

And it is hereby further declared and enacted, That the Provision in the Principal Act contained regarding the Sale of unclaimed Wreck to which no Owner establishes his Claim within the Period of One Year, and to which no Admiral, Vice Admiral, Lord of any Manor, or Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled, is intended and shall be construed to apply to Wreck of the Sea belonging to Her Majesty, Her Heirs and Successors, in respect of the Duchy of *Cornwall*, or to the Duke of *Cornwall* for the Time being in respect of his Duchy of *Cornwall:* But that the Proceeds of such Wreck shall, subject to such Deductions as are in the same Act mentioned, form Part of the Revenues of the Duchy of *Cornwall*, and be dealt with accordingly.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854).

54. The Owners of any Ship, whether *British* or Foreign, shall not, in Cases where all or any of the following Events occur without their actual Fault or Privity, that is to say, Shipowners Liability limited.

(1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship;

(2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship;

(3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Ship as aforesaid caused to any Person carried in any other Ship or Boat;

(4.) Where any Loss or Damage is by reason of the improper Navigation of such Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever on board any other Ship or Boat;

be answerable in Damages in respect of Loss of Life or personal Injury, either alone or together with Loss or Damage to Ships, Boats, Goods, Merchandise, or other Things, to an aggregate Amount exceeding Fifteen Pounds for each Ton of their Ship's Tonnage; nor in respect of Loss or Damage to Ships, Goods, Merchandise, or other Things, whether there be in addition Loss of Life or personal Injury or not, to an aggregate Amount exceeding Eight Pounds for each Ton of the Ship's Tonnage; such Tonnage to be the Registered Tonnage in the Case of Sailing Ships, and in the Case of Steam Ships the Gross Tonnage without Deduction on account of Engine Room:

In the Case of any Foreign Ship which has been or can be measured according to *British* Law, the Tonnage as ascertained by such Measurement shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship:

In the Case of any Foreign Ship which has not been and cannot be measured under *British* Law, the Surveyor General of Tonnage in the United Kingdom, and the Chief Measuring Officer in any *British* Possession abroad, shall, on receiving from or by Direction of the Court hearing the Case such Evidence concerning the Dimensions of the Ship as it may be found practicable to furnish, give a Certificate under his Hand, stating what would in his Opinion have been the Tonnage of such Ship if she had been duly measured according to *British* Law, and the Tonnage so stated in such Certificate shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship.

Limitation of Invalidity of Insurances.

55. Insurances effected against any or all of the Events enumerated in the Section last preceding, and occurring without such actual Fault or Privity as therein mentioned, shall not be invalid by reason of the Nature of the Risk.

Proof of Passengers on board lost Ship.

56. In any Proceeding under the 506th Section of the Principal Act or any Act amending the same against the Owner of any Ship or Share therein in respect of Loss of Life, the Master's List or the duplicate List of Passengers delivered to the proper Officer of Customs under the 16th Section of "The Passengers Act, 1855," shall, in the Absence of Proof to the contrary, be sufficient Proof that the Persons in respect of whose Death any such Prosecution or Proceeding is instituted were Passengers on board such Ship at the Time of their Deaths.

Arrangements

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the Case of Foreign Ships.

Foreign Ships in British Jurisdiction to be subject to Regulations in Table (C.) in Schedule.

57. Whenever Foreign Ships are within *British* Jurisdiction, the Regulations for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, and all Provisions of this Act relating to such Regulations, or otherwise relating to Collisions, shall apply to such Foreign Ships; and in any Cases arising in any *British* Court of Justice concerning Matters happening within *British* Jurisdiction, Foreign Ships shall, so far as regards such Regulations and Provisions, be treated as if they were *British* Ships.

Regulations, when adopted by a Foreign Country, may be applied to its Ships on the High Seas.

58. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that the Regulations, for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, or any of the said Regulations, or any Provisions of this Act relating to Collisions, should apply to the Ships of such Country when beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that such Regulations, and all Provisions of this Act which relate to such Regulations, and all such other Provisions as aforesaid, shall apply to the Ships of the said Foreign Country, whether within *British* Jurisdiction or not.

Provisions concerning Salvage of Life may, with the Consent of any Foreign Country, be applied to its Ships on the High Seas.

59. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that Salvage shall be awarded by *British* Courts for Services rendered in saving Life from any Ship belonging to such Country when such Ship is beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that the Provisions of the Principal Act and of this Act, with respect to Salvage for Services rendered in saving Life from *British* Ships, shall in all *British* Courts be held to apply to Services rendered in saving Life from the Ships of such Foreign Country, whether such Services are rendered within *British* Jurisdiction or not.

Ships of Foreign Countries adopting the Rule for Measurement of Tonnage need not be re-measured in this Country.

60. Whenever it is made to appear to Her Majesty that the Rules concerning the Measurement of Tonnage of Merchant Ships for the Time being in force under the Principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty by Order in Council to direct that the Ships of such Foreign Country shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other National Papers; and thereupon it shall no longer be necessary for such Ships to be re-measured in any Port or Place in Her Majesty's Dominions,

Dominions, but such Ships shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other Papers, in the same Manner, to the same Extent, and for the same Purposes in, to, and for which the Tonnage denoted in the Certificates of Registry of *British* Ships is deemed to be the Tonnage of such Ships.

Effect of Order in Council.

61. Whenever an Order in Council has been issued under this Act, applying any Provision of this Act or any Regulation made by or in pursuance of this Act to the Ships of any Foreign Country, such Ships shall in all Cases arising in any *British* Court be deemed to be subject to such Provision or Regulation, and shall for the Purpose of such Provision or Regulation be treated as if they were *British* Ships.

Orders in Council may be limited as to Time, and qualified.

62. In issuing any Order in Council under this Act Her Majesty may limit the Time during which it is to remain in operation, and may make the same subject to such Conditions and Qualifications, if any, as may be deemed expedient, and thereupon the Operation of the said Order shall be limited and modified accordingly.

Orders in Council may be revoked and altered.

63. Her Majesty may by Order in Council from Time to Time revoke or alter any Order previously made under this Act.

Orders in Council to be published in London Gazette.

64. Every Order in Council to be made under this Act shall be published in the *London Gazette* as soon as may be after the making thereof; and the Production of a Copy of the *London Gazette* containing such Order shall be received in Evidence, and shall be Proof that the Order therein published has been duly made and issued; and it shall not be necessary to plead such Order specially.

Legal Procedure.

20 & 21 Vict. c. 43. s. 3. not to apply to Proceedings under Board of Trade or this Act, &c.

65. Nothing in the Third Section of the Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, except so much thereof as provides for the Payment of any Fees that may be due to the Clerk of the Justices, shall be deemed to apply to extend to any Proceeding under the Direction of the Board of Trade, or under or by virtue of the Provisions of the Principal Act or this Act, or any Act amending the same.

Delivery of Goods and Lien for Freight.

Interpretation of Terms.

66. The following Terms used in the Sections of this Act hereinafter contained shall have the respective Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; that is to say,

"Report."

The Word "Report" shall mean the Report required by the Customs Laws to be made by the Master of any importing Ship:

The

The Word "Entry" shall mean the Entry required by the Customs Laws to be made for the Landing or Discharge of Goods from an importing Ship: "Entry."

The Word "Goods" shall include every Description of Wares and Merchandise: "Goods."

The Word "Wharf" shall include all Wharves, Quays, Docks, and Premises in or upon which any Goods when landed from Ships may be lawfully placed: "Wharf."

The Word "Warehouse" shall include all Warehouses, Buildings, and Premises in which Goods when landed from Ships may be lawfully placed: "Warehouse."

The Expression "Wharf Owner" shall mean the Occupier of any Wharf, as herein-before defined: "Wharf Owner."

The Expression "Warehouse Owner" shall mean the Occupier of any Warehouse, as herein-before defined: "Warehouse Owner."

The Word "Shipowner" shall include the Master of the Ship and every other Person authorized to act as Agent for the Owner, or entitled to receive the Freight, Demurrage, or other Charges payable in respect of such Ship: "Shipowner."

The Expression "Owner of Goods" shall include every Person who is for the Time being entitled, either as Owner or Agent for the Owner, to the Possession of the Goods, subject in the Case of a Lien, if any, to such Lien. "Owner of Goods."

Power to Shipowner to enter and land Goods in default of Entry and landing by Owner of Goods.

67. Where the Owner of any Goods imported in any Ship from Foreign Parts into the United Kingdom fails to make Entry thereof, or having made Entry thereof to land the same or take Delivery thereof and to proceed therewith with all convenient Speed, by the Times severally herein-after mentioned, the Shipowner may make Entry of and land or unship the said Goods at the Times, in the Manner, and subject to the Conditions following; (that is to say,)

(1.) If a Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Time so expressed:

(2.) If no Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Expiration of Seventy-two Hours, exclusive of a *Sunday* or Holiday, after the Report of the Ship:

(3.) If any Wharf or Warehouse is named in the Charter Party, Bill of Lading, or Agreement, as the Wharf or Warehouse where the Goods are to be placed, and if they can be conveniently there received, the Shipowner in landing them by virtue of this Enactment shall cause them to be placed on such Wharf or in such Warehouse:

(4.) In other Cases the Shipowner in landing Goods by virtue of this Enactment shall place them in or on some Wharf or Warehouse on or in which Goods of a like Nature are usually placed; such Wharf or Warehouse being, if the Goods are dutiable, a Wharf or Warehouse duly approved by the Commissioners of Customs for the landing of dutiable Goods:

(5.) If at any Time before the Goods are landed or unshipped the Owner of the Goods is ready and offers to land or take Delivery of the same, he shall be allowed so to do, and his Entry shall in such Case be preferred to any Entry which may have been made by the Shipowner:

(6.) If any Goods are, for the Purpose of Convenience in assorting the same, landed at the Wharf where the Ship is discharged, and the Owner of the Goods at the Time of such landing has made Entry and is ready and offers to take Delivery thereof, and to convey the same to some other Wharf or Warehouse, such Goods shall be assorted at landing, and shall, if demanded, be delivered to the Owner thereof within Twenty-four Hours after Assortment; and the Expense of and consequent on such landing and Assortment shall be borne by the Shipowner:

(7.) If at any Time before the Goods are landed or unshipped the Owner thereof has made Entry for the landing and warehousing thereof at any particular Wharf or Warehouse other than that at which the Ship is discharging, and has offered and been ready to take Delivery thereof, and the Shipowner has failed to make such Delivery and has also failed at the Time of such Offer to give the Owner of the Goods correct Information of the Time at which such Goods can be delivered, then the Shipowner shall, before landing or unshipping such Goods under the Power hereby given to him, give to the Owner of the Goods or of such Wharf or Warehouse as last aforesaid Twenty-four Hours Notice in Writing of his Readiness to deliver the Goods, and shall, if he lands or unships the same without such Notice, do so at his own Risk and Expense.

If, when Goods are landed, the Shipowner give Notice for that Purpose, the Lien for Freight is to continue.

68. If, at the Time when any Goods are landed from any Ship, and placed in the Custody of any Person as a Wharf or Warehouse Owner, the Shipowner gives to the Wharf or Warehouse Owner Notice in Writing that the Goods are to remain subject to a Lien for Freight or other Charges payable to the Shipowner to an Amount to be mentioned in such Notice, the Goods so landed shall, in the Hands of the Wharf or Warehouse Owner, continue liable

liable to the same Lien, if any, for such Charges as they were subject to before the landing thereof; and the Wharf or Warehouse Owner receiving such Goods shall retain them until the Lien is discharged as herein-after mentioned, and shall, if he fail so to do, make good to the Shipowner any Loss thereby occasioned to him.

Lien to be discharged on Proof of Payment.

69. Upon the Production to the Wharf or Warehouse Owner of a Receipt for the Amount claimed as due, and Delivery to the Wharf or Warehouse Owner of a Copy thereof or of a Release of Freight from the Shipowner the said Lien shall be discharged.

Lien to be discharged on Deposit with Warehouse Owner.

70. The Owner of the Goods may deposit with the Wharf or Warehouse Owner a Sum of Money equal in Amount to the Sum so claimed as aforesaid by the Shipowner, and thereupon the Lien shall be discharged; but without Prejudice to any other Remedy which the Shipowner may have for the Recovery of the Freight.

Warehouse Owner may at the End of 15 Days, if no Notice is given, pay Deposit to Shipowner.

71. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does not within Fifteen Days after making it give to the Wharf or Warehouse Owner Notice in Writing to retain it, stating in such Notice the Sum, if any, which he admits to be payable to the Shipowner, or, as the Case may be, that he does not admit any Sum to be so payable, the Wharf or Warehouse Owner may, at the Expiration of such Fifteen Days pay the Sum so deposited over to the Shipowner, and shall by such Payment be discharged from all Liability in respect thereof.

Course to be taken if Notice to retain is given.

72. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does within Fifteen Days after making it give to the Wharf or Warehouse Owner such Notice in Writing as aforesaid, the Wharf or Warehouse Owner shall immediately apprize the Shipowner of such Notice, and shall pay or tender to him out of the Sum deposited the Sum, if any, admitted by such Notice to be payable, and shall retain the Remainder or Balance, or, if no Sum is admitted to be payable, the whole of the Sum deposited, for Thirty Days from the Date of the said Notice; and at the Expiration of such Thirty Days, unless legal Proceedings have in the meantime been instituted by the Shipowner against the Owner of the Goods to recover the said Balance or Sum or otherwise for the Settlement of any Disputes which may have arisen between them concerning such Freight or other Charges as aforesaid, and Notice in Writing of such Proceedings has been served on him, the Wharf or Warehouse Owner shall pay the said Balance or Sum over to the Owner of the Goods, and shall by such Payment be discharged from all Liability in respect thereof.

73. If

After 90 Days Warehouse Owner may sell Goods by Public Auction.

73. If the Lien is not discharged, and no Deposit is made as herein-before mentioned, the Wharf or Warehouse Owner may, and, if required by the Shipowner, shall, at the Expiration of Ninety Days from the Time when the Goods were placed in his Custody, or, if the Goods are of a perishable Nature, at such earlier Period as he in his Discretion thinks fit, sell by Public Auction, either for Home Use or Exportation, the said Goods or so much thereof as may be necessary to satisfy the Charges herein-after mentioned.

Notices of Sale to be given.

74. Before making such Sale the Wharf or Warehouse Owner shall give Notice thereof by Advertisement in Two Newspapers circulating in the Neighbourhood, or in One Daily Newspaper published in *London* and in One local Newspaper, and also, if the Address of the Owner of the Goods has been stated on the Manifest of the Cargo, or on any of the Documents which have come into the Possession of the Wharf or Warehouse Owner, or is otherwise known to him, give Notice of the Sale to the Owner of the Goods by Letter sent by the Post; but the Title of a *bonâ fide* Purchaser of such Goods shall not be invalidated by reason of the Omission to send Notice as herein-before mentioned, nor shall any such Purchaser be bound to inquire whether such Notice has been sent.

Monies arising from Sale, how to be applied.

75. In every Case of any such Sale as aforesaid the Wharf or Warehouse Owner shall apply the Monies received from the Sale as follows, and in the following Order :

1. If the Goods are sold for Home Use in Payment of any Customs or Excise Duties owing in respect thereof:
2. In Payment of the Expenses of the Sale:
3. In the Absence of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, in Payment of the Rent, Rates, and other Charges due to the Wharf or Warehouse Owner in respect of the said Goods:
4. In Payment of the Amount claimed by the Shipowner as due for Freight or other Charges in respect of the said Goods:
5. But in case of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, then such Charges shall have Priority according to the Terms of such Agreement:

and the Surplus, if any, shall be paid to the Owner of the Goods.

Warehouse Owners Rent and Expenses.

76. Whenever Goods are placed in the Custody of a Wharf or Warehouse Owner under the Authority of this Act, the said Wharf or Warehouse Owner shall be entitled to Rent in respect of the same, and shall also have Power from Time to Time, at the Expense of the Owner of the Goods, to do all such reasonable Acts as in the Judgment

Judgment of the said Wharf or Warehouse Owner are necessary for the proper Custody and Preservation of the said Goods, and shall have a Lien on the said Goods for the said Rent and Expenses.

Warehouse Owners Protection.

77. Nothing in this Act contained shall compel any Wharf or Warehouse Owner to take charge of any Goods which he would not be liable to take charge of if this Act had not passed; nor shall he be bound to see to the Validity of any Lien claimed by any Shipowner under this Act.

Saving Powers under Local Acts.

78. Nothing in this Act contained shall take away or abridge any Powers given by any Local Act to any Harbour Trust, Body Corporate, or Persons whereby they are enabled to expedite the Discharge of Ships or the Landing or Delivery of Goods; nor shall anything in this Act contained take away or diminish any Rights or Remedies given to any Shipowner or Wharf or Warehouse Owner by any Local Act.

The SCHEDULE referred to in this Act.

TABLE (A.) See Sect. 2.

Enactments to be repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 91. -	An Act for the Warehousing of Goods.	Section 51 to be repealed immediately on the passing of this Act.
16 & 17 Vict. c. 107. -	Customs Consolidation Act, 1853.	The last Proviso in Section 74, and Sections 170, 171, and 172, to be repealed immediately on the passing of this Act.
17 & 18 Vict. c. 104. -	Merchant Shipping Act, 1854.	Sections 295, 296, 297, 298, 299, to be repealed from the Date at which the Regulations contained in Table C. in this Schedule come into operation. Sections 300, 322, 323, 504, and 505 to be repealed immediately on the passing of this Act.
19 & 20 Vict. c. 75. -	An Act for the further Alteration and Amendment of the Laws and Duties of Customs.	Section 8 to be repealed immediately on the passing of this Act.

TABLE (B.) See Sect. 6.

Fees to be charged on Examination of Engineers.

For a First-class Engineers Certificate -	- £2 0 0
For a Second-class Engineers Certificate -	- 1 0 0

TABLE (C.) See Sect. 25.

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5. Lights for Sailing Ships.
6. Exceptional Lights for small Sailing Vessels.
7. Lights for Ships at Anchor.
8. Lights for Pilot Vessels.
9. Lights for Fishing Vessels and Boats.

Rules concerning Fog Signals.

10. Fog Signals.

Steering and Sailing Rules.

11. Two Sailing Ships meeting.
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13. Two Ships under Steam meeting.
14. Two Ships under Steam crossing.
15. Sailing Ship and Ship under Steam.
16. Ships under Steam to slacken Speed.
17. Vessels overtaking other Vessels.
18. Construction of Articles 12, 14, 15, and 17.
19. Proviso to save special Cases.
20. No Ship under any Circumstances to neglect proper Precautions.

Preliminary.

Art. 1. In the following Rules every Steam Ship which is under Sail and not under Steam is to be considered a Sailing Ship; and every Steam Ship which is under Steam, whether under Sail or not, is to be considered a Ship under Steam.

Rules concerning Lights.

Art. 2. The Lights mentioned in the following Articles, and no others, shall be carried in all Weathers between Sunset and Sunrise.

Art. 3. Seagoing Steam Ships when under weigh shall carry:

(*a.*) *At the Foremast Head*, a bright White Light so fixed as to show an uniform and unbroken Light over an Arc of the Horizon of 20 Points of the Compass, so fixed as to throw the Light 10 Points on each Side of the Ship, viz., from right ahead to 2 Points abaft the Beam on either Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Five Miles:

(*b.*) *On*

(*b.*) *On the Starboard Side*, a Green Light so constructed as to throw an uniform and unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Starboard Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles:

(*c.*) *On the Port Side*, a Red Light, so constructed as to show an uniform unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Port Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles:

(*d.*) The said Green and Red Side Lights shall be fitted with inboard Screens projecting at least Three Feet forward from the Light, so as to prevent these Lights from being seen across the Bow.

Art. 4. Steam Ships when towing other Ships shall carry Two bright White Mast-head Lights vertically, in addition to their Side Lights, so as to distinguish them from other Steam Ships. Each of these Mast-head Lights shall be of the same Construction and Character as the Mast-head Lights which other Steam Ships are required to carry.

Art. 5. Sailing Ships under weigh or being towed shall carry the same Lights as Steam Ships under weigh, with the Exception of the White Mast-head Lights, which they shall never carry.

Art. 6. Whenever, as in the Case of small Vessels during bad Weather, the Green and Red Lights cannot be fixed, these Lights shall be kept on Deck on their respective Sides of the Vessel ready for instant Exhibition, and shall, on the Approach of or to other Vessels, be exhibited on their respective Sides in sufficient Time to prevent Collision, in such Manner as to make them most visible, and so that the Green Light shall not be seen on the Port Side, nor the Red Light on the Starboard Side.

To make the Use of these portable Lights more certain and easy, they shall each be painted Outside with the Colour of the Light they respectively contain, and shall be provided with suitable Screens.

Art. 7. Ships, whether Steam Ships or Sailing Ships, when at Anchor in Roadsteads or Fairways, shall between Sunrise and Sunset exhibit, where it can best be seen, but at a Height not exceeding Twenty Feet above the Hull, a White Light in a globular Lantern of Eight Inches in Diameter, and so constructed as to show a clear uniform and unbroken Light visible all round the Horizon, and at a Distance of at least One Mile.

Art. 8. Sailing Pilot Vessels shall not carry the Lights required for other Sailing Vessels, but shall carry a White Light at the Mast Head visible all round the Horizon,—and shall also exhibit a Flare-up Light every Fifteen Minutes.

Art. 9. Open Fishing Boats and other open Boats shall not be required to carry Side Lights required for other Vessels; but shall, if they do not carry such Lights, carry a Lantern having a Green Slide on the one Side and a Red Slide on the other Side; and on the Approach of or to other Vessels such Lantern shall be exhibited in sufficient Time to prevent Collision, so that the Green

Green Light shall not be seen on the Port Side nor the Red Light on the Starboard Side.

Fishing Vessels and open Boats when at Anchor or attached to their Nets and stationary shall exhibit a bright White Light.

Fishing Vessels and open Boats shall, however, not be prevented from using a Flare-up in addition if considered expedient.

Rules concerning Fog Signals.

Art. 10. Whenever there is Fog, whether by Day or Night, the Fog Signals described below shall be carried and used, and shall be sounded at least every Five Minutes; viz.—

(*a.*) Steam Ships under weigh shall use a Steam Whistle placed before the Funnel not less than Eight Feet from the Deck.

(*b.*) Sailing Ships under weigh shall use a Fog Horn.

(*c.*) Steam Ships and Sailing Ships when not under weigh shall use a Bell

Steering and Sailing Rules.

Art. 11. If Two Sailing Ships are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port, so that each may pass on the Port Side of the other.

Art. 12. When Two Sailing Ships are crossing so as to involve Risk of Collision, then if they have the Wind on different Sides, the Ship with the Wind on the Port Side shall keep out of the Way of the Ship with the Wind on the Starboard Side, except in the Case in which the Ship with the Wind on the Port Side is close hauled and the other Ship free, in which Case the latter Ship shall keep out of the Way; but if they have the Wind on the same Side, or if One of them has the Wind aft, the Ship which is to windward shall keep out of the Way of the Ship which is to leeward.

Art. 13. If Two Ships under Steam are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port so that each may pass on the Port Side of the other.

Art. 14. If Two Ships under Steam are crossing so as to involve Risk of Collision, the Ship which has the other on her own Starboard Side shall keep out of the Way of the other.

Art. 15. If Two Ships, one of which is a Sailing Ship and the other a Steam Ship, are proceeding in such Directions as to involve Risk of Collision, the Steam Ship shall keep out of the Way of the Sailing Ship.

Art. 16. Every Steam Ship, when approaching another Ship so as to involve Risk of Collision, shall slacken her Speed, or, if necessary, stop and reverse; and every Steam Ship shall, when in a Fog, go at a moderate Speed.

Art. 17. Every Vessel overtaking any other Vessel shall keep out of the Way of the said last-mentioned Vessel.

Art. 18. Where by the above Rules One of Two Ships is to keep out of the Way, the other shall keep her Course, subject to the Qualifications contained in the following Article.

Art. 19. In obeying and construing these Rules due regard must be had to all Dangers of Navigation; and due regard must also be had to any

special Circumstances which may exist in any particular Case rendering a Departure from the above Rules necessary in order to avoid immediate Danger.

Art. 20. Nothing in these Rules shall exonerate any Ship or the Owner or Master or Crew thereof from the Consequences of any Neglect to carry Lights or Signals, or of any Neglect to keep a proper Look-out, or of the Neglect of any Precaution which may be required by the ordinary Practice of Seamen or by the special Circumstances of the Case.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXIV.

An Act for the better Protection of Her Majesty's Naval and Victualling Stores.

[29th *July* 1862.]

WHEREAS the existing Enactments for the Protection of Her Majesty's Naval and Victualling Stores are numerous and complicated, and Difficulties have arisen in their Application, and it is consequently expedient to reduce into One Act and simplify and amend them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Naval and Victualling Stores Act, 1862. Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*. Extent of Act.

3. In this Act— Interpretation of Terms.

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the

the Commissioners for the Time being for executing the Office of Lord High Admiral:

The Term "Dealer in Marine Stores" shall be taken to mean a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty:

17 & 18 Vict. c. 104.

The Term "Dealer in old Metals" shall be taken to mean a Person answering the Description of such a Dealer contained in The Old Metal Dealers Act, 1861:

24 & 25 Vict. c. 110.

The Term "Her Majesty's Yards" shall be taken to mean Her Majesty's Dock Yards, Her Majesty's Victualling Yards, and Her Majesty's Steam Factory Yards:

The Term "Constable of the Metropolitan Force" shall be taken to mean a Constable belonging to that Force, and being by virtue of the Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty (Chapter One hundred and thirty-five), "for the Employment of the Metropolitan "Police Force in Her Majesty's Yards and Military Stations," employed and authorized to act in any of Her Majesty's Yards and within the Limits in that Act mentioned.

23 & 24 Vict. c. 135.

Enactments in Schedule (A.) to this Act, as to Naval and Victualling Stores, repealed, but not as to Scotland or Ireland.

4. The Enactments described in Schedule (A.) to this Act are hereby repealed to the Extent therein specified, and only as to Her Majesty's Naval and Victualling Stores; but this Repeal shall not extend to *Scotland* or *Ireland*, or affect—

(1.) The past Operation of any such Enactment;

(2.) Any Act done or any Right or Liability already acquired, accrued, or now existing under or by virtue of any such Enactment;

(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence already committed; or

(4.) The Institution or Prosecution of any legal Proceeding or any other Remedy for the ascertaining, enforcing, or recovering of any such Liability, Penalty, Forfeiture, or Punishment.

I.—Marked Stores.

Imitation of Marks.

Marks in Schedule (B.) to this Act appropriated for Her Majesty's Use in or on Naval and Victualling Stores.

Imitation of Marks a Misdemeanor.

5. The Marks mentioned in Schedule (B.) to this Act may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her Majesty's Property in Stores so marked. It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, and for no other Person, to apply the said Marks or any of them in or on Naval or Victualling Stores. If any Person apply any of the said Marks in or on Naval or Victualling Stores contrary to

to this Provision he shall be guilty of a Misdemeanor, and shall be liable to Imprisonment for not more than One Year, with or without Hard Labour.

Defacing of Marks.

6. If any Person, with Intent to conceal Her Majesty's Property in any Naval or Victualling Stores, take out, destroy, or obliterate, wholly or in part, any such Mark in or on any such Stores, he shall be guilty of Felony, and shall be liable to Imprisonment for not more than Two Years, with or without Hard Labour.

Obliteration of Marks, with Intent to conceal Her Majesty's Property in Stores, Felony.

Receiving, &c. of marked Stores.

7. If any Person receive, possess, keep, sell, or deliver any Naval or Victualling Stores marked as aforesaid, knowing them to be so marked, he shall be guilty of a Misdemeanor, and shall be liable to Imprisonment for not more than One Year, with or without Hard Labour.

Knowingly receiving, &c. marked Stores, a Misdemeanor.

8. Where the Person charged with such a Misdemeanor is a Dealer in Marine Stores or in old Metals, or a Person employed in any of Her Majesty's Yards, Knowledge on his Part that the Stores to which the Charge relates were at the Time of the Commission of the Offence marked as aforesaid shall be presumed, until the contrary is shown; in other Cases Evidence of such Knowledge shall be necessary to support the Charge.

Knowledge of Stores being marked presumed against Dealers or Persons employed in Yards, but to be proved in other Cases.

9. Provided always, That no Person shall be liable to be convicted of such a Misdemeanour who shows (whether such Knowledge as aforesaid is presumed or proved against him or not) that he came by the Stores to which the Charge relates lawfully, and without reasonable Cause for believing that the Person (if any) through whom he came by the same had not come by the same lawfully.

No Conviction where Proof that Stores were lawfully come by.

10. The Provisions of the Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty (Chapter One hundred and twenty-six), "for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases," shall apply in the Case of a Person charged with such a Misdemeanor in manner following:

Summary Trial of Receivers, &c. in certain Cases, under Criminal Justice Act, 18 & 19 Vict. c. 126.

(1.) Where, in the Judgment of the Justices at such Petty Sessions as in that Act mentioned, the Value of the Stores to which the Charge relates does not exceed One Pound, Section One of that Act, with all Provisions relative thereto, shall apply:

(2.) Where,

(2.) Where, in the Judgment of such Justices, such Value exceeds One Pound, Section Three of that Act, with all Provisions relative thereto, shall apply.

II.—Stores marked or unmarked.

Creeping, sweeping, or dredging.

No unauthorized Person to creep, sweep, or dredge for Stores within 100 Yards of Dock-yards, &c.

11. It shall not be lawful for any Person (except a Person in Her Majesty's Service or in the Employment of the Admiralty, or a Constable of the Metropolitan Police Force), without Permission in Writing given by the Admiralty or by some Person authorized by the Admiralty in that Behalf, to creep, sweep, or dredge for Stores lost or supposed to be lost in the Sea or any Tidal Water within the Distance of One hundred Yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any mooring Place or anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Yards. If any Person creep, sweep, or dredge for Stores contrary to this Provision he shall be liable, on summary Conviction, to a Penalty of not more than Five Pounds.

Arrest of Offenders, Vessels, &c.

Policemen of Metropolitan Force may stop suspected Persons, &c.

12. A Constable of the Metropolitan Police Force may, within the Yard and Limits for which he is sworn, stop, search, and detain any Vessel, Boat, or Carriage in or on which there is Reason to suspect that any of Her Majesty's Naval or Victualling Stores, stolen or unlawfully obtained, may be found, or any Person reasonably suspected of having or conveying any such Stores stolen or unlawfully obtained.

Power of Justices at Petty Sessions in relation to Stores stolen or unlawfully obtained, &c.

13. If any Person be brought before Two or more Justices at Petty Sessions charged with having or conveying any of Her Majesty's Naval or Victualling Stores stolen or unlawfully obtained, or reasonably suspected to have been stolen or unlawfully obtained, the following Provisions shall take effect and apply:—

(1.) If such Person do not give an Account to the Satisfaction of the Justices how he came by such Stores he shall be deemed guilty of a Misdemeanor, and, on summary Conviction thereof before Two or more Justices at Petty Sessions, shall be liable to a Penalty of not more than Five Pounds, or to Imprisonment for not more than Two Months, with or without Hard Labour:

(2.) If he declare that he received such Stores from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, Two or more

more Justices at Petty Sessions may cause every such other Person, and every former or pretended Purchaser or other Person through whose Possession the same have or are declared to have passed, to be brought before them and examined, and may examine Witnesses on Oath touching the same:

(3.) If it appear to Two or more Justices at Petty Sessions that any Person has had Possession of such Stores (for which Purpose the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of his Employer), and had reasonable Cause for believing that the same had been stolen or unlawfully obtained, such Person shall be deemed to have had Possession thereof at the Time and Place when and where they were found or seised, and to be guilty of a Misdemeanor, and, on Conviction thereof before Two or more Justices at Petty Sessions, shall be liable to a Penalty of not more than Five Pounds, or to Imprisonment for not more than Three Months, with or without Hard Labour.

Searches under Warrants.

Search Warrant on Information on Oath.

14. Where Information on Oath is given to a Justice of the Peace that there is reasonable Cause to believe, and that the Informant believes, that some of Her Majesty's Naval or Victualling Stores, marked as aforesaid, or (whether marked or not) stolen or unlawfully obtained, are in a House or Place within the Jurisdiction of such Justice, he may issue a Search Warrant to a Constable.

Effect of Search Warrant.

15. Every such Search Warrant shall be a sufficient Authority for the Constable to whom the same is directed to enter, in the Daytime, or by Night, if Power for that Purpose be given by the Warrant, with such Assistance as may be found necessary, into such House or Place, and there to search for such Naval or Victualling Stores, and if upon such Search any such Naval or Victualling Stores be found, then to seize the same, and either to convey the same before a Justice of the Peace, or to guard them on the Spot, or otherwise dispose of them in a Place of Safety, until further Proceedings can be taken in relation thereto.

Dealers in Marine Stores and in old Metals to account for Possession of Stores found on Search.

16. Where under any such Search Warrant any Naval or Victualling Stores, appearing or reasonably suspected to belong or to have belonged to Her Majesty, are found in the Possession or Keeping of a Dealer in Marine Stores or in old Metals, or of a Person employed in any of Her Majesty's Yards, and such Dealer or Person does not prove that he came by the same lawfully, and without reasonable Cause for believing that the Person (if any) through whom he came by the same had not come by the same lawfully, such Dealer or

Person, on summary Conviction before Two or more Justices at Petty Sessions, shall be liable for the First Offence to a Penalty of not more than Five Pounds, and for a Second or other subsequent Offence to a Penalty of not more than Twenty Pounds, or Imprisonment for not more than Three Months, with Hard Labour.

III.—General Provisions.

Procedure.

Parts of 24 & 25 Vict. c. 96. (Larceny) incorporated.

17. Subject and without Prejudice to the Application by this Act of the said Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty, and to the other express Provisions of this Act, such of the Provisions of the Act of the last Session of Parliament (Chapter Ninety-six), "to consolidate and amend the Statute "Law of *England* and *Ireland* relating to Larceny and other similar "Offences," as are mentioned in Schedule (C.) to this Act, shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted.

Criminal Possession.

18. For the Purposes of this Act, Naval or Victualling Stores shall be deemed to be in the Possession or Keeping of any Person, if he have them in his personal Possession or Keeping, or if he knowingly and wilfully have them in the actual Possession or Keeping of any other Person, or in any House, Building, Lodging, Apartment, Field, or Place, open or inclosed, whether occupied by himself or not, and whether the same be so had for his own Use or for the Use or Benefit of another.

Saving for Indictment.

19. Nothing in this Act shall be taken to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act, or otherwise, to any other or higher Penalty or Punishment than is provided for any Offence by this Act, but so that no Person be punished twice for the same Offence.

Admiralty alone to prosecute.

20. It shall not be competent for any Person, other than the Admiralty, their Officers, Solicitors, or Agents, to institute or carry on under this Act any Prosecution by way of summary Proceeding or otherwise for any Offence by this Act made Felony or Misdemeanor or made punishable on summary Conviction.

Application of pecuniary Penalties.

Penalties, &c. to be applied under Orders of Admiralty.

21. Notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police Force or in any other Act contained, any pecuniary Penalty or other Monies recovered under this Act shall be paid or applied as the Admiralty shall direct.

Dealers

Dealers in old Metals.

22. Every Conviction under this Act of a Dealer in old Metals shall, for the Purposes of Registration and its Consequences under The Old Metal Dealers Act, 1861, be equivalent to a Conviction under that Act.

Effect of Conviction of Dealers in old Metals under this Act.

Metropolitan Police.

23. Subject and without Prejudice to the express Provisions of this Act, all Enactments relative to the Powers, Duties, Privileges, and Responsibilities of the Metropolitan Police Force when acting within the Metropolitan Police District shall, in relation to Offences and other Matters connected with Naval and Victualling Stores belonging to Her Majesty, or appearing or reasonably suspected to belong or to have belonged to Her Majesty, extend and apply to Constables of the Metropolitan Force when acting within the Yards and Limits for which they are sworn, and such Enactments shall for the Purposes of this Act be read as if they were here re-enacted.

Incorporation of Provisions of Metropolitan Police Force Acts.

SCHE-

SCHEDULES.

SCHEDULE (A.)

ENACTMENTS REPEALED as to HER MAJESTY'S NAVAL and VICTUALLING STORES, except as to SCOTLAND and IRELAND.

Session and Chapter.	Title.	Extent of Repeal.
9 & 10 Will. 3. c. 41.	An Act for the better preventing the Imbezlement of His Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses, in paying Seamen's Wages.	Sections One, Two, Four, Five, and Eight.
9 Geo. 1. c. 8.	An Act for continuing some Laws, and reviving others therein mentioned, for exempting Apothecaries from serving Parish and Ward Offices, and upon Juries; and relating to Jurors; and to the Payment of Seamen's Wages, and the Preservation of Naval Stores, and Stores of War; and concerning the Militia and Trophy-Money; and against clandestine running of uncustomed Goods, and for more effectual preventing Frauds relating to the Customs, and Frauds in mixing Silk with Stuffs to be exported.	Sections Three, Four, and Five.
17 Geo. 2. c. 40.	An Act to continue the several Laws therein mentioned for preventing Theft and Rapine on the Northern Borders of England; for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; for continuing Two Clauses to prevent the cutting or breaking down the Bank of any River, or Sea Bank, and to prevent the malicious cutting of Hopbinds; and for the more effectual Punishment of Persons maliciously setting on fire any Mine, Pit, or Delph of Coal, or Cannel Coal; and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chaces, or beating or wounding the Keepers or other Officers in Forests, Chaces, or Parks; and for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies in America, from the said Colonies directly to Foreign Parts in Ships built in Great Britain, and navigated according to Law; and to explain Two Acts relating to the Prosecution of Offenders for embeziling Naval Stores, or Stores of War; and to prevent the retailing of Wine within either of the Universities in that Part of Great Britain called England without Licence.	Section Ten.

Naval and Victualling Stores.

Session and Chapter.	Title.	Extent of Repeal
39 & 40 Geo. 3. c. 89.	An Act for the better preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores.	The whole.
54 Geo. 3. c. 60.	An Act for the better preventing the Embezzlement of His Majesty's Cordage.	The whole.
54 Geo. 3. c. 159.	An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and navigable Rivers, in the United Kingdom; and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that Purpose.	Section Ten.
55 Geo. 3. c. 127.	An Act to repeal an Act of the Fifty-third Year of His present Majesty, for preventing the Embezzlement of Stores; and to extend the Provisions of the several Acts relating to His Majesty's Naval, Ordnance, and Victualling Stores to all other public Stores.	The whole.
56 Geo. 3. c. 80.	An Act to enable the principal Officers and Commissioners of His Majesty's Navy resident on Foreign Stations to grant Certificates of Stores or Goods which may be sold by such Officers or Commissioners at such Foreign Stations.	The whole.
4 Geo. 4. c. 53	An Act for extending the Benefit of Clergy to several Larcenies therein mentioned.	The whole.
2 & 3 Will. 4. c. 40.	An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments.	Section Thirty-four.

SCHEDULE (B.)

MARKS appropriated for Her Majesty's Use in or on Naval and Victualling Stores.

Stores.	Marks.
(1.) Hempen Cordage and Wire Rope -	Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
(2.) Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
(3.) Buntin - - - -	A double Tape in the Warp.
(4.) Candles - - - -	A Blue Cotton Thread in each Wick.
(5.) Timber, Metal, and other Naval or Victualling Stores not before enumerated.	The Broad Arrow.

SCHEDULE (C.)

PARTS of the Larceny Act of 1861 incorporated with this Act.

Sections 99, 100, 103, 105, 107 to 113, both inclusive, and 115 to 121, both inclusive.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. LXV.

An Act for the more speedy Trial of certain Homicides committed by Persons subject to the Mutiny Act. [29th *July* 1862.]

WHEREAS it is expedient that Persons subject to the present or any future Mutiny Act who shall be guilty of the Murder or Manslaughter of any Person subject to the said Act or Acts should be brought to speedy Punishment, and that the Offences of such Persons should in certain Cases be inquired of and tried with all convenient Speed, and that the Inquiry, Trial, and Punishment should in certain Cases be more speedy than the usual Course of Practice in respect of the Times of issuing Her Majesty's Commissions of Oyer and Terminer or Gaol Delivery will allow: And whereas it would contribute to the more speedy Punishment of Persons guilty thereof, and to the Maintenance of good Order and Military Discipline, if, when charged with Murder or Manslaughter committed in *England* or *Wales*, and out of the Jurisdiction of the Central Criminal Court, such Persons were rendered liable to be indicted and tried at the Central Criminal Court, and if when charged with Murder or Manslaughter committed in *Ireland* and elsewhere than in the County of the City of *Dublin* or the County of *Dublin* such Persons were rendered liable to be indicted and tried before and

by the Commissioners appointed by virtue of any Commission of Oyer and Terminer or of Gaol Delivery under the Great Seal of *Ireland* for the County of the City of *Dublin:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Queen's Bench or a Judge may order certain Prisoners to be indicted and tried under the Provisions of this Act.

1. Whenever any Person shall have been committed for any Murder or Manslaughter committed or supposed to have been committed at any Place in *England* or *Wales*, and out of the Jurisdiction of the Central Criminal Court, or at any Place in *Ireland* other than the County of the City of *Dublin* or the County of *Dublin*, and it shall appear to Her Majesty's Court of Queen's Bench in that Part of the United Kingdom wherein the said Offence was committed or supposed to have been committed, in Term Time, or to any Judge thereof, or of any of Her Majesty's Superior Courts of Common Law in the same Part of the United Kingdom, in Vacation, that the said Person (herein-after called the Prisoner) was at the Time of the Commission or supposed Commission of the said Murder or Manslaughter subject to the present or any future Mutiny Act, and that the Person (herein-after called the Deceased) for the Murder or Manslaughter of whom the Prisoner shall have been committed was at the Time last aforesaid subject to the said Act or Acts, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge in Vacation, without the Prisoner being brought or appearing in Person before the said Court or Judge, upon the Application of Her Majesty's Principal Secretary of State for the War Department, and upon his Certificate in Writing, in the Form numbered 1. in the Schedule to this Act annexed, or to the like Effect, duly signed, that it would contribute to the Maintenance of good Order and Military Discipline if the said Prisoner were to be indicted and tried under the Provisions of this Act, to order that the said Prisoner shall be indicted and tried under the Provisions of this Act, and such Order may be in One of the Forms numbered 2. in the Schedule to this Act annexed, or to the like Effect.

And upon such Order the Prisoner shall be removed to the Gaol of Newgate in London or the Richmond Bridewell in Dublin, and the

2. Whenever any such Order shall have been made, the Gaoler or Keeper of any Gaol or House of Correction in which the said Prisoner shall be confined shall forthwith upon the Delivery to him of an Office Copy of such Order, without Writ of Habeas corpus or other Writ for that Purpose, cause such Prisoner, with his Commitment and Detainer, to be safely removed to Her Majesty's Gaol of *Newgate* in the City of *London* if the said Prisoner shall be confined in *England* or *Wales*, and to Her Majesty's Gaol called the

the *Richmond Bridewell* in the County of the City of *Dublin* if the said Prisoner shall be confined in *Ireland*, and thereupon the Keeper of such Gaol shall receive such Prisoner into his Custody in such Gaol, there to remain until he shall be delivered by due Course of Law; and the Justice or Coroner by whom the Prisoner was committed, or any other Person having the Custody or Possession thereof, shall forthwith upon the Delivery to him of an Office Copy of such Order transmit any Recognizances, Depositions, Examinations, or Informations relating to the Murder or Manslaughter mentioned in such Order which shall be in his Custody or Possession to the proper Officer of the Court at and before which the Prisoner shall be rendered liable to be indicted under the Provisions of this Act, to be by him kept among the Records of the Court.

Depositions, &c. returned to the Court at which the Prisoner is to be indicted.

3. Whenever any Prisoner shall have been removed to the said Gaol of *Newgate* in the City of *London* under the Provisions of this Act, the Murder or Manslaughter of the Deceased by the Prisoner may be inquired of, heard, and determined, and the Prisoner may be indicted, arraigned, tried, and convicted for the Murder or Manslaughter of the Deceased, in the same Manner in all respects as if such Murder or Manslaughter had been committed within the Jurisdiction of the Central Criminal Court; and whenever any Prisoner shall have been removed to the *Richmond Bridewell* in the County of the City of *Dublin* under the Provisions of this Act, the Murder or Manslaughter of the Deceased by the Prisoner may be inquired of, heard, and determined, and the Prisoner may be indicted, arraigned, tried, and convicted for the Murder or Manslaughter of the Deceased, in the same Manner in all respects as if such Murder or Manslaughter had been committed in the County of the City of *Dublin*.

A Prisoner removed may be indicted and tried in London or Dublin.

4. Whenever any Prisoner so removed to One of the said Gaols shall be indicted under the Provisions of this Act, an Office Copy of the before-mentioned Order of the Court of Queen's Bench, or of a Judge, shall be delivered to the proper Officer of the Court at and before which the Prisoner shall be rendered liable to be indicted under the Provisions of this Act, and such Officer shall thereupon, by Indorsement on the Back of the Bill of Indictment, before its Presentment by the Grand Jury, or by Direction of the Justices, Judges, or Commissioners of the Court before whom such Indictment shall be tried, or any Two or more of them, at any other Time, certify that the Prisoner was committed for the Murder or Manslaughter of the Deceased, and was removed to the Gaol of *Newgate* or the *Richmond Bridewell*, as the Case may be, under the Provisions of this Act; and such Indorsement, which may be in the Form numbered 3. in the Schedule to this Act annexed, or to the like Effect, and which may be amended by the said last-mentioned Justices, Judges, or Commissioners,

A Certificate of his Removal under this Act and of the Cause of his Committal shall be endorsed on the Indictment.

sioners, or any Two or more of them, at any Time, and in such Manner, and as often as to them shall seem fit, shall be conclusive Proof that the said Prisoner was committed for the Murder or Manslaughter of the Deceased, and was removed to the said Gaol of *Newgate* or the said *Richmond Bridewell* under the Provisions of this Act; and such Indorsement shall not constitute or be deemed or taken to be a Portion of the Indictment.

When Indictment is amended the Indorsement is to be also amended.

5. Whenever any Indictment found under the Provisions of this Act shall be amended in any Manner, the before-mentioned Indorsement thereon shall, if it be necessary, be amended in the like Manner.

Indictment need not follow the Commitment.

6. A Prisoner committed for Murder may be indicted under the Provisions of this Act for Manslaughter, and a Prisoner committed for Manslaughter may be indicted under the same Provisions for Murder.

No Objection to be taken to any Order, and no Proof to be required of the Subjection of any Person to the Mutiny Act.

7. It shall not be lawful for any Person, either by himself or his Counsel, to take any Objection, either in the Court at, before, or by which the Prisoner shall be indicted, arraigned, tried, convicted, or sentenced under the Provisions of this Act, or in any Court of Error, to any Order of the said Court of Queen's Bench or of any Judge, or to any other Proceeding under or by virtue of which the Prisoner shall have been removed to the Gaol of *Newgate* or the *Richmond Bridewell;* and the Form of the Indictment under the Provisions of this Act shall be the same as that of Indictments for Murder or Manslaughter committed within the Jurisdiction of the Court at and before which such Prisoner shall be indicted under the Provisions of this Act; and it shall not be necessary to prove on the Trial of the Prisoner that either the Prisoner or the Deceased was or were at the Time of the Commission or supposed Commission of the said Murder or Manslaughter subject to the Provisions of any Mutiny Act; and the Prisoner shall not be acquitted by reason only of its appearing that the Prisoner or the Deceased was not or were not at the Time last aforesaid subject to the Provisions of any Mutiny Act.

Any Person convicted may be sentenced to be punished either in the County where the Offence was committed or within the Jurisdiction of the Court by which he shall be tried.

8. When any Person shall have been convicted of any Offence upon the Trial of any Indictment found under the Provisions of this Act, it shall be lawful for the Justices, Judges, or Commissioners of the Court before which any such Conviction shall have taken place, or for any Two or more of them, or, in case Sentence shall not then be passed, for the Justices, Judges, or Commissioners of the said Court, or for any Two or more of them, at any subsequent Sessions of the said Court, to order and adjudge such Convict to be punished according to Law at any Place either within the Jurisdiction of the said Court, or within the County or Place where such Offence shall have been committed or supposed to have been committed; and in

Cases

Cases where such Justices, Judges, or Commissioners, or any Two or more of them, shall order such Convict to be punished in such County or Place, it shall be lawful for such Justices, Judges, or Commissioners, or any Two or more of them, after passing Sentence upon such Convict, to make an Order commanding the Keeper of the Gaol of *Newgate* or of the *Richmond Bridewell* to cause such Convict to be delivered into the Custody of the Gaoler or Keeper of the Gaol or House of Correction in such County or Place, together with such Order, and commanding such Gaoler or Keeper to receive such Convict into his Custody in such Gaol or House of Correction, and him there safely to keep until such Sentence shall have been executed upon such Convict according to Law, or until he shall be otherwise delivered by due Course of Law, and also to make an Order commanding the Sheriff of such County or Place to execute such Sentence upon such Convict within such County or Place according to Law in the same Manner as if he had been tried and received such Sentence in such County or Place; and every such Sheriff, Gaoler, and Keeper respectively is hereby commanded to perform and execute according to Law each and everything which he shall be commanded to perform and execute by any such Order; and the several Forms in the Schedule to the Act made and passed in the Nineteenth Year of Queen *Victoria*, intituled *An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court*, contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and in the Case of any Order directed to any Sheriff, and commanding him to execute any Sentence, it shall be sufficient to deliver such Order either to such Sheriff or to his Under Sheriff.

On Notice given by Prosecutor, Recognizances to bind Parties to give Evidence at the Inquiry and Trial.

9. Every Recognizance which shall have been entered into for the Prosecution of the Prisoner, and every Recognizance of any Witness to give Evidence against him for his said Offence, shall, in case any such Order shall be made as is mentioned in the First Section of this Act, be obligatory on each of the Parties bound by such Recognizance to prosecute and give Evidence, and to do all other Things mentioned with reference to the said Inquiry and Trial at the Court at or before which the Prisoner shall be indicted or tried under the Provisions of this Act, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, or giving Evidence, or doing other Things before the said last-mentioned Court; provided that Notice in Writing shall have been given either personally, or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the said last-mentioned Court upon the Inquiry into and Trial of the said Offence; and the Prosecutor is hereby required, on Notice given to him that such

Order as is mentioned in the First Section of this Act has been made, to give such Notice or Notices in Writing as are in this Section mentioned.

Power to compel Witnesses to attend Trials.

10. Whenever any Indictment shall have been found at any Court under the Provisions of this Act, it shall be lawful for the said Court to issue Process to compel the Attendance of Witnesses, as well on the Part of the Prosecution as on the Part of the Defence, on the Trial of such Indictment, in like Manner as in Cases of Indictments found at the said Court for Offences committed within the Jurisdiction of the said Court; and every such Process shall and may be lawfully executed at any Place in that Part of the United Kingdom wherein the Gaol to which the Prisoner shall have been removed under the Provisions of this Act shall be situate.

Expenses of Prosecution and Rewards may be ordered to be paid.

11. Whenever any Indictment shall have been found at any Court under the Provisions of this Act, it shall be lawful for the said Court to order such Expenses of the Prosecutor and Witnesses, and such other Expenses, and such of the several Rewards payable in pursuance of any Statute made or to be made as to such Court may seem reasonable and sufficient, to be paid forthwith by the proper Officer of the said Court, and such Monies shall be repaid to the said Officer by the same Persons who would have been liable to pay the same, as if such Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the County or Place in which the Prisoner was committed.

Power to order Payment of Expenses of Prisoner's Witnesses.

12. Whenever any Prisoner shall be tried at any Court under the Provisions of this Act, it shall be lawful for the Justices, Judges, or Commissioners of the said Court before whom any such Prisoner shall be tried, or for any Two or more of them, if it shall seem reasonable so to do, to order the Payment of the Expenses of the Witnesses on the Part of the Defence, and such Payment shall be made accordingly in the same Manner in all respects as if such Witnesses were Witnesses on the Part of the Prosecution; and the Commissioners of Her Majesty's Treasury shall, upon Receipt of such last-mentioned Order, and out of any Monies provided by Parliament for Law Charges in *England* or *Ireland*, as the Case may be, repay such Sum or Sums as shall be therein specified to the Person who shall have paid the same.

No Proof to be required of due Removal of Prisoner.

13. Whenever any such Order shall have been made as is mentioned in the First Section of this Act, it shall not be necessary for any Purpose whatsoever to prove that the Prisoner has been duly removed to the Gaol of *Newgate* or the *Richmond Bridewell* under the Provisions of this Act, or that he was committed for the Murder

or

or Manslaughter of the Deceased; and no Evidence or Proof to the contrary shall be admitted: And every Verdict and Judgment which shall be given upon any Indictment tried under the Provisions of this Act shall be deemed as good, valid, and sufficient in Law as if the Offence charged in such Indictment had been actually committed within the Jurisdiction of the said Court before which such Indictment shall be tried.

Verdicts and Judgments to be valid.

14. Whenever any Person shall have been removed into the Custody of the said Keeper of the said Gaol of *Newgate* or of the *Richmond Bridewell* under the Provisions of this Act, such Person shall, without Writ of Habeas corpus or other Writ for that Purpose, be removed into and from the Court at or before which such Indictment shall be found, tried, or proceeded upon, when and as often as it may be necessary, by the Keeper of the said Gaol of *Newgate* or of the *Richmond Bridewell*, with his Commitment and Detainer, in order that he may be tried, sentenced, or otherwise dealt with according to Law; and such Removal shall not be deemed an Escape.

The Prisoner may be removed to and from the Central Criminal Court as often as necessary.

15. Whenever any Indictment shall have been found under the Provisions of this Act, the Justices, Judges, or Commissioners of the Court at or before which such Indictment shall be found, tried, or proceeded upon for the Time being, or any Two or more of them, shall possess the same Power, Jurisdiction, and Authority as to all Matters and Things whatsoever as if the Offence charged in the said Indictment had actually been committed within the Jurisdiction of the said Court; and every such Offence may be dealt with, tried, and determined by and before such Justices, Judges, or Commissioners, or any Two or more of them, in the same Manner in all respects as if the same had actually been committed within the Jurisdiction of the said Court: Provided that nothing in this Section contained shall limit or lessen any Power, Jurisdiction, or Authority conferred upon the said Justices, Judges, or Commissioners, or any Two or more of them, by this Act.

Court before which Indictment found to have the same Authority as if the Offence had been committed within its Jurisdiction.

16. The Provisions of the Twenty-first Section of the said Act made and passed in the Nineteenth Year of Her Majesty Queen *Victoria* shall apply to every Prisoner removed to any Gaol under the Provisions of this Act, in the same Manner in all respects and for all Intents and Purposes as if such Prisoner had been so removed as in any of the preceding Sections of the said Act is mentioned, and as if that Section had been re-enacted herein with reference to Prisoners removed to any Gaol under the Provisions of this Act; and where any Person shall have been removed to any Gaol under the Provisions of this Act, the Provisions of the Twenty-seventh and Twenty-eighth Sections of the same Act shall apply in the

Sects. 21. 27, and 28 of 19 Vict. c. 16. extended to this Act.

the same Manner in all respects as in the Case where any Person shall have been removed or committed to the said Gaol of *Newgate* under the Provisions of the said Act.

Prosecutor and Witnesses may be bound by Recognisances to appear again before the said Court.

17. Whenever any Prosecutor and Witnesses in any Case where any Indictment shall have been found under the Provisions of this Act shall appear before the Court at or before which such Indictment shall be found, tried, or proceeded upon, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, to require such Prosecutor and Witnesses to enter into such Recognizance in such Sum of Money, and with such Condition as to Appearance at the said Court, and otherwise, as to the said Court shall seem fit.

Her Majesty in Council may make Rules for Purposes of this Act.

18. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, from Time to Time to make Rules and Regulations touching the said Gaol of *Newgate*, or any other Gaol or Prison, and the Government and Keeping thereof; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council, from Time to Time to make Rules and Regulations touching the said *Richmond Bridewell* for the Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by Authority of Parliament, and shall be notified in the *London* or *Dublin* Gazette, or in such other Manner as Her Majesty, by and with the Advice of Her Most Honourable Privy Council, shall think fit to direct.

Act not to affect any Peer.

19. Nothing in this Act contained shall render any Person claiming the Privilege of Peerage triable under the Provisions of this Act.

Interpretation of Terms.

20. In the Construction of this Act the Words "present Mutiny Act" shall be understood to mean the Act made and passed in this present Parliament, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters;* and the Words "future Mutiny Act" shall be understood to mean any Act hereafter to be made and passed for the Purposes and with the Intents and Objects of the present Mutiny Act, or for the like Purposes, and with the like Intents and Objects.

Short Title.

21. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Jurisdiction in Homicides Act, 1862."

SCHE-

SCHEDULE referred to in the foregoing Act.

1. *Form of Certificate mentioned in the First Section.*

I the undersigned, Her Majesty's Principal Secretary of State for the War Department, having been credibly informed that [*Name or Names of Prisoner or Prisoners*] lately committed for the Murder [*or* Manslaughter] of [*Name of Person killed*] deceased, and now confined in the Gaol [House of Correction] at in the County of is a Person [are Persons] subject to the Mutiny Act, and that the said [*Name of Person deceased*] deceased was at the Time of the alleged Murder [*or* Manslaughter] also subject to the said Act, and that the said Murder or supposed Murder [*or* Manslaughter or supposed Manslaughter] was committed in England or Wales, and out of the Jurisdiction of the Central Criminal Court, [*or in Ireland and elsewhere than in the County of the City of Dublin,* in the County of Dublin,] and having been credibly informed of the Circumstances relating to the said alleged Crime, and deeming it expedient that a more speedy Trial of the said [*Name or Names of Prisoner or Prisoners*] should be had than the usual Course of Practice allows, do hereby certify my Belief that it would contribute to the Maintenance of good Order and Military Discipline if the said [*Name or Names of Prisoner or Prisoners*] were to be indicted and tried under the Provisions of the Jurisdiction in Homicides Act, 1862.

Given under my Hand this Day of A.D.

[*Signature of the said Secretary of State.*]

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2. *Form of Order of the Court of Queen's Bench mentioned in the First Section.*

In Her Majesty's Court of Queen's Bench. [*Name of Term*] Term, A.D. [*Year of our Lord*].

WHEREAS it appears by the Affidavit [*or* Affidavits] of [*Name or Names of Deponent or Deponents*], that [*Name or Names of Prisoner or Prisoners*], now in the Custody of the Gaoler or Keeper of the Gaol [*or* House of Correction] at in the County of was [*or* were] committed for the Murder [*or* Manslaughter]

Manslaughter] of [*Name of Deceased*] deceased, and that as well the said [*Name or Names of Prisoner or Prisoners*] as the said [*Name of Deceased*] deceased were at the Time of the Commission or supposed Commission of the said Murder [*or* Manslaughter] subject to the Mutiny Act: Now thereupon, and on the Application and Certificate of Her Majesty's Principal Secretary of State for the War Department, it is ordered, That the said [*Name or Names of Prisoner or Prisoners*] be indicted and tried under the Provisions of the Jurisdiction in Homicides Act, 1862.

By the Court.

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2. *Form of Order of a Judge mentioned in the First Section.*

WHEREAS it appears [*follow the last preceding Form as far as the Words* "Secretary of State for the War Department"], I do order that the said [*Name or Names of Prisoner or Prisoners*] be indicted and tried under the Provisions of the Jurisdiction in Homicides Act, 1862. Given under my Hand in Vacation, this

Day of A.D. [*Year of our Lord*].

[*Signature of Judge.*]

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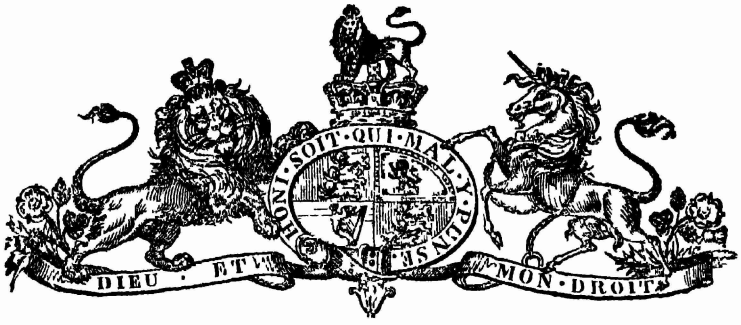
3. *Form of Indorsement mentioned in the Fourth Section.*

I certify that [*Name or Names of Prisoner or Prisoners*] was [*or* were] committed for the Murder [*or* Manslaughter] of [*Name of Deceased*] deceased, and that he [*or* they] has [*or* have] been removed to the Gaol of Newgate [*or* the Richmond Bridewell] under the Provisions of the Jurisdiction in Homicides Act, 1862.

[*Signature of proper Officer of the Court.*]

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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"Harbour Authority."

"Harbour Authority" shall include all Persons or Bodies of Persons, corporate or unincorporate, being Proprietors of or entrusted with the Duty of improving, maintaining, or managing any Harbour.

Regulations to be observed by a Ship carrying Petroleum.

2. Every Vessel carrying a Cargo consisting wholly or in part of Petroleum on entering any Harbour within the United Kingdom shall conform to such Regulations in respect to the Place at which she is to be moored as may from Time to Time be issued by the Harbour Authority having Jurisdiction over such Harbour. If any Vessel is moored in any Place in contravention of such Regulations, the Owner or Master of such Vessel shall incur a Penalty not exceeding Twenty Pounds for each Day during which the Vessel remains moored, and it shall be lawful for the Harbour Master, or any other Person acting under the Orders of the Harbour Authority, to cause such Vessel to be removed, at the Expense of the Owner thereof, to such Place as may be in conformity with the said Regulations, and all Expenses incurred in such Removal may be recovered in the same Manner in which Penalties are hereby made recoverable.

Regulations to be observed in storing Petroleum.

3. From and after the First Day of *October* One thousand eight hundred and sixty-two not more than Forty Gallons of Petroleum shall be kept within Fifty Yards of a Dwelling House or of a Building in which Goods are stored, except in pursuance of a Licence given by such Local Authority as is herein-after mentioned.

Any Petroleum kept in contravention of this Section shall be forfeited, and, in addition thereto, the Occupier of the Place in which such Petroleum is kept shall incur a Penalty not exceeding Twenty Pounds a Day for each Day during which Petroleum is kept in contravention of this Act.

Definition of Local Authority.

4. The following Bodies shall respectively be the Local Authority to grant Licences under this Act in the Districts herein-after mentioned; (that is to say,)

1. In the City of *London*, except as herein-after mentioned, the Court of Lord Mayor and Aldermen of the said City:
2. In the Metropolis, as defined by the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, except the City of *London*, and except as herein-after mentioned, the Metropolitan Board of Works:
3. In any Borough in *England* or *Ireland*, except as herein-after mentioned, the Mayor, Aldermen, and Burgesses, by the Council:
4. In any Place in *England* or *Ireland*, except as herein-after mentioned, within the Jurisdiction of any Trustees or Improvement Commissioners, appointed under the Provisions of any Local or General Act of Parliament, the Trustees or Commissioners:
5. In any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of any Town Council, and not subject

subject to the Jurisdiction of Police Commissioners or Trustees, the Town Council; but in any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees:

6. In any Harbour within the Jurisdiction of a Harbour Authority, whether situate or not within the Jurisdiction of any Local Authority herein-before mentioned, the Harbour Authority, to the Exclusion of any other Local Authority:

7. In any Place in *England* or *Ireland* in which there is no Local Authority as herein-before defined, the Justices in Petty Sessions assembled, and in *Scotland* any Two Justices of the Peace for the County.

Mode of granting Licences.

5. Licences in pursuance of this Act shall be valid if signed by Two or more of the Persons constituting the Local Authority, or executed in any other Way in which other Licences, if any, granted by such Authority are executed; they may be granted for a limited Time, and there may be annexed thereto any Conditions as to Renewal or otherwise which the Local Authority thinks necessary for diminishing the Risk of Damage from Explosion or Fire; and any Licensee violating any of the Conditions of his Licence shall be deemed to be an unlicensed Person.

In case of Refusal of Licence, the Applicant may memorialize Secretary of State.

6. If, on any Application for a Licence under this Act, the Local Authority refuses the Licence, or grants the same only on Conditions with which the Applicant is dissatisfied, the Local Authority shall, if required by the Applicant, certify in Writing under the Hand or Hands of One or more of the Persons constituting the Local Authority the Grounds on which it refused the Licence or annexed Conditions to the Grant thereof, and shall deliver the Certificate to the Applicant, who may thereupon, within Ten Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, if the Application is for a Licence in *England* or *Scotland*, and to the Lord Lieutenant or other Chief Governor if the Application is for a Licence in *Ireland*, together with a Memorial, praying that, notwithstanding such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as may be set forth in such Memorial; and it shall be lawful for the Secretary of State, Lord Lieutenant, or other Chief Governor, if he think fit, on consideration of such Memorial and Certificate, and if he think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely, or with such Conditions as he thinks fit, or to alter or modify the Conditions imposed by the Local Authority; and the Licence so granted, or altered and modified, as the Case may be, when certified under

under the Hand of the said Secretary of State, Lord Lieutenant, or other Chief Governor, shall be to all Intents as valid as if granted by the Local Authority.

Forfeitures and Penalties in England and Ireland.

7. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *England* and *Ireland* upon summary Conviction before any Two Justices; and one Moiety of the Forfeiture and Penalty shall belong to Her Majesty, and the other Moiety to the Informer, unless the Informer is a Servant of the Person informed against, in which Case the Moiety of the Forfeiture or Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices in their or his Discretion may think fit.

Recovery of Forfeitures and Penalties in Scotland.

8. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *Scotland* upon summary Conviction, at the Instance of the Procurator Fiscal, before any Sheriff, or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence was committed, who may sentence the Offender to Imprisonment, until such Forfeiture or Penalty and the Expenses of Conviction are paid, for a Period not exceeding Three Months; and one Moiety of such Forfeiture or Penalty shall belong to Her Majesty, and the other Moiety shall be applied in such Manner and to such Purposes as such Sheriff, Justices, Magistrates, or Magistrate in their or his Discretion may think fit.

Search for Petroleum.

9. Petroleum may be searched for in the same Manner, under the same Warrants, and subject to the same Conditions in, under, and subject to which Gunpowder may be searched for, in pursuance of the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine; and all the Provisions of the said Act relating to searching for Gunpowder shall be incorporated with this Act, and be construed as if the Word "Gunpowder" in such Provisions included Petroleum as defined by this Act, and as if the Act therein referred to were this Act.

Reservation of previous Powers with respect to inflammable Substances.

10. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and the Local Authority may exercise such other Powers in the same Manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would otherwise be subject in respect of a Nuisance.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Estates and the Title thereto, may apply to the Court of Chancery by Petition in a summary Way for a Declaration of Title under this Act.

Petition to set forth Particulars affecting Title.

2. Every such Petition shall state what Incumbrances, Estates, Rights, and Interests, if any, the Petitioner admits to affect his Title, and subject to which he seeks to have his Title declared, and shall be in such Form as the Court shall by General Order direct.

Two Persons interested may jointly petition.

3. Any Two or more Persons claiming to have together such Estate or Interest in Land as would have enabled any One Person to petition as aforesaid may join in such a Petition, and such Proceedings shall be had thereupon as in the Case of a single Petitioner.

Petition as to Copyhold, &c. Lands not admitted.

4. No such Petition shall be admitted as to Lands of Copyhold or Customary Tenure.

Court may require to be served with Petition.

5. It shall be lawful for the Court, by General Order or otherwise, if it shall think fit, to require that the Registrar who may be appointed under any Act passed during the present Session for the Registration of Real Estates and the Title thereto shall be served with Notice of such Petition, and the Registrar shall thereupon be made a Party to and attend the Proceedings on such Petition, and the Costs thereby properly incurred shall be paid by the Petitioner.

Court may investigate Petitioner's Title.

6. The Court on the Hearing of any such Petition, on being satisfied that the Petitioner has proved such a Possession, and has stated such a Title as, if established, would entitle him to a Declaration under this Act, shall make an Order for the Investigation of the Title in the same Way as if the Petitioner had obtained as Vendor a Decree for a specific Performance of an Agreement for Sale of the Land in question for the Estate claimed in his Petition.

If Court dissatisfied, Petition to be dismissed, but subject to appeal.

7. If the Court, on such Investigation, shall not be satisfied that the Petitioner has shown such a Title as it would have compelled an unwilling Purchaser to accept, then it shall dismiss the Petition, but subject to the Right of Appeal herein-after mentioned.

When Investigation is satisfactory, Court may order a De-

8. In case the Court is satisfied after such an Investigation that the Petitioner has shown such a Title as it would have compelled an unwilling Purchaser to accept, it shall, on the Conditions herein-after mentioned being complied with, make an Order that on some Day, not less

less than Three Months from the Date of the Order, a Declaration shall be made establishing the Petitioner's Title, unless in the meantime Cause is shown to the contrary; and the Court may enlarge the Time for so showing Cause as often as it may deem proper.

Declaration of Title to be made.

9. No such Order shall be made until the Petitioner shall have given Security to the Satisfaction of the Court for Payment of all Costs, if any, which may be awarded to any Person who may oppose the Petitioner's Right to the Declaration prayed for.

Order not to be made until Security for Costs is given.

10. No such Order shall be made until the Petitioner and his Solicitor, and any other Person whom the Court may require, shall have made and filed an Affidavit that to the best of their respective Knowledge, Information, and Belief all Settlements, Deeds, Documents, Instruments, Maps, Plans, and Papers relating to the Title to the Land in question have been produced to the Court, or the Cause of their Non-production has been fully and fairly explained, and that all Facts material to the Title have been fully and fairly disclosed to the Court: Provided always, that the Court may dispense with such Affidavit either from the Petitioner or his Solicitor when it shall think it reasonable so to do, or may permit the same to be modified as Circumstances may seem to require.

Before Order is made Petitioner to file Affidavit that all Documents have been produced.

11. The Petitioner after obtaining such Order shall give Notice of the same by Advertisement in such Newspapers and at such Times as the Court may direct, and in any other Manner which the Court may deem expedient for the Purpose of informing all Persons interested thereof, and as may be directed by any General or Special Order in that Behalf.

Notice of Order to be advertised in Newspapers.

12. Any Person may, at any Time before the proposed Declaration of Title has been made, petition the Court in a summary Way to be heard against the making thereof, and the Court shall thereupon fix a Time for the Hearing of such Petition, and shall, if necessary, enlarge the Time for making the Declaration until such Petition shall have been disposed of.

Court may hear Petition against Declaration of Title, or reserve Rights.

13. On the Hearing of such Petition the Court may introduce such Restrictions or Qualifications in the Title sought to be declared as the Justice of the Case requires, or may reserve the Rights of any Person or Class of Persons, or may refuse to make any Declaration of Title.

On Hearing of Petition Court may qualify or refuse Declaration of Title or reserve Rights.

14. If it shall appear to the Court that all or any of the Title Deeds relating to the Land in question have been lost or destroyed, the

Court may reserve Rights of

Persons under lost Deeds.

the Court may, if it shall think fit, reserve the Rights of all Persons under any such lost or destroyed Deeds.

Where Court sees no Reason for Refusal, Declaration of Title to be made.

15. If no Petition has been presented against the proposed Declaration of Title within the Time in that Behalf limited, or if, having been presented, the Court shall be of opinion that no sufficient Ground has been shown for refusing to make a Declaration of Title, then the Court shall, after the Expiration of the Time limited for showing Cause, upon being satisfied that the required Notices have been duly given, and that all other Requisitions have been duly complied with, make a Declaration that the original Petitioner has such Title to the Land in question as he sought to establish by his Petition or such Title, subject to any Restrictions, Reservations, or Qualifications which it may deem necessary or proper to introduce.

Appeal may be made to Court of Appeal within Six Months after Declaration.

16. Any Person may, at any Time within Six Months from the making of any such Declaration, appeal therefrom to the Court of Appeal in Chancery; and such Court shall on the Hearing of the Appeal make an Order confirming, varying, or annulling the Declaration as it may see fit; but if there is no such Appeal, then the said Declaration shall, at the Expiration of the said Six Months, become final for the Purposes of this Act.

Parties may appeal from Court of Appeal to House of Lords.

17. Any Person may appeal from any such Order of the Court of Appeal to the House of Lords at any Time within Six Months from the making thereof, and the said House may make an Order confirming, varying, or annulling the said Declaration as to them shall seem just; but if there is no such Appeal, then the Declaration, as approved by the said Court of Appeal in Chancery, shall at the Expiration of the said Six Months become final for the Purposes of this Act.

Declaration of Title as approved by House of Lords to be final.

18. In case of any such Appeal as aforesaid to the House of Lords, the Declaration of Title as finally approved by them shall become final for the Purposes of this Act.

Where Court refuses Title, Petitioner may appeal to Court of Appeal and House of Lords.

19. In case the Court shall have dismissed the original Petition on the Ground that the Petitioner had not shown such a Title as it would have compelled an unwilling Purchaser to accept, or if, on the Hearing of any Petition against the making of the Declaration of Title prayed for, the Court shall have refused to make any Declaration of Title, the original Petitioner shall have the same Rights of Appeal to the Court of Appeal in Chancery and to the House of Lords as is herein-before given to any Person appealing against a Declaration of Title actually made.

20. The

Declaration of Title.

20. The Declaration of Title, when it has in manner aforesaid become final for the Purposes of this Act, shall not be set aside or called in question by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

Declaration of Title not to be set aside for Informality.

21. Every Declaration of Title made under this Act may, at the Option of the Person obtaining the same, be registered as an indefeasible Title under any Act which may be passed in the present Session of Parliament for the Registration of Real Estates and the Title thereto.

Declaration of Title to be registered as an indefeasible Title.

22. Any Person who has obtained in manner aforesaid a final Declaration of Title shall be entitled to receive from the Court, on Payment of the proper Fees, and on Production of his Title Deeds for the Purpose next herein-after mentioned, a Certificate under the Seal of the Court setting forth the Title so declared, and further stating that the Time for appealing has expired, and such Certificate shall be conclusive Evidence of the Facts therein stated.

Certificate of Court to be given to Party obtaining final Declaration of Title.

23. Before any such Certificate shall be sealed the Petitioner shall produce to the Court such of his Deeds and Muniments of Title as the Court shall require, and the same shall be stamped or marked by the Officer issuing the Certificate in such Manner as the Court shall by General Orders direct, for the Purpose of showing that a Declaration of Title has been made as to the Land therein comprised, or as to such Part thereof as is comprised in the Declaration.

Production of Deeds before sealing of Certificate.

24. Such Declaration of Title, as soon as it shall have become final for the Purposes of this Act, shall in favour of any Person thereafter deriving Title as a Purchaser for valuable Consideration of the Land therein referred to, or of any Part thereof, or of any Estate, Right, or Interest therein, by, from, through, or under the Person whose Title has been so declared, be deemed and taken to have correctly declared the same, but save as aforesaid such Declaration shall have no Force or Effect whatever as to the Title of the Land comprised therein.

Declaration of Title to be deemed to have correctly declared Land therein referred to.

25. Instead of a single Declaration of Title, or a single Certificate, the Court may, on the Application of the Petitioner, make separate Declarations, or give separate Certificates as to the Title of separate Parts of the Land referred to in the Petition.

Court may make separate Declarations or Certificates of Title.

26. If

Declaration of Title.

Court may cancel original Certificate, and give Certificates to separate Parts of Land comprised in cancelled Certificate.

26. If for the Purpose of a Sale or other Disposition of the Land comprised in any Certificate of Title, or of any Part thereof, the Holder of any such Certificate shall be desirous of having separate Certificates of Title relating to separate Portions of the Land, it shall be lawful for the Court, on Petition by such Holder, to order his Certificate to be cancelled, and in lieu thereof to give to him separate Certificates for separate Parts of the Land comprised in the Certificate so cancelled; and every such separate Certificate shall refer to and state the Date of the cancelled Certificate, and shall have the same Effect as to the Land therein comprised as if it had been given at the Time of such Date, but no such Substitution of Certificates shall in any way prejudice or affect the Title of any Person who shall previously thereto have become entitled to any Part of the Land comprised in the original Certificate, or any Interest in the same.

Substitution of Certificates.

27. Whenever any such Substitution of Certificates shall take place the Land mentioned in every such separate Certificate may be entered upon the Register of Estates with an indefeasible Title, under any such Act for the Registration of Real Estates and the Title thereto as aforesaid; and in that Case any Transactions relating thereto shall, subject to any Regulations to the contrary that may be made by General Order, thenceforth form a separate Record in the Register, distinguished by a separate Number, or in such other Manner as the Registrar may determine.

If Certificate of Title is lost a Duplicate may be issued.

28. If any Certificate of Title shall be lost or destroyed, the Court may issue a fresh Certificate in lieu of that so lost or destroyed, expressing on the Face thereof that it is a Duplicate, but no such fresh Certificate shall be of any avail against any Person who may have already derived Title under the original Certificate.

Declaration of Title not to affect certain Claims, &c.

29. The Declaration of Title shall not affect any of the Claims, Rights, or Matters herein-after mentioned, that is to say:

Land Tax, Succession Duty, Tithe Rentcharge, Rights of Common, Rents payable to the Crown, public Rights of Way; Liability to repair Highways by reason of Tenure, Rights of Way, Watercourses, Rights of Water and other Easements, or Servitudes, Manorial Rights and Franchises, Leases or Agreements for Leases for any Term not exceeding Twenty-one Years where there is Occupation under the same.

Registration of Lands with Decla-

30. From and after the Registration of any Land, as to which any such Declaration of Title as aforesaid shall have been made, in the herein-

herein-before mentioned Register of Estates with an indefeasible Title, such Land shall be subject to the Provisions of any such Act for the Registration of Real Estates and the Title thereto as aforesaid, in the same Manner as if the Registration thereof had been made by virtue of Proceedings duly taken under such last-mentioned Act.

ration of indefeasible Title.

31. If, at any Time after any such Declaration of Title as aforesaid has been made, any Person shall consider himself to be aggrieved thereby, it shall be lawful for him to present a Petition praying that the same may be recalled or varied in such Manner as may be just, and the Court shall thereupon proceed in the Hearing of such Petition in the same Manner as if the same had been presented before the Declaration of Title had been made, and the Court may, on the Hearing of the said Petition, annul the Declaration and order the Certificate or Certificates to be given up to be cancelled, or may make such Variations therein as it may deem just, and may, if it shall think fit, also direct the Registry thereof, if made, to be cancelled; but no Proceeding on any such Petition shall prejudice or affect the Title of any Person who before any such annulling or Variation shall have acquired a Title under the said Declaration as a Purchaser for valuable Consideration of the said Land or of any Estate or Interest therein.

Court may hear Petition for Recal or Variation of Declaration of Title.

32. The Court may, on the Hearing of any such last-mentioned Petition, make any Order which it may deem just, restraining the Person who has obtained the Declaration, and all Persons claiming by, through, from, or under him otherwise than as a Purchaser for valuable Consideration, from in any Manner dealing with the said Land until such Petition shall have been disposed of.

For Prevention of dealing with Land until Petition disposed of.

33. All Proceedings on any such Petition shall be liable to the same Right of Appeal as in the Case of Petitions presented before such Declaration of Title was made.

Proceedings on Petition liable to Right of Appeal.

34. The Court shall have Power to order Costs either as between Party and Party or as between Solicitor and Client to be paid by and to any Person, Party to any Proceeding under this Act, and to give Directions as to the Fund out of which such Costs shall be paid.

Power to Court to order Costs.

35. And whereas it may happen that at the Time of making such Declaration of Title as aforesaid there may be Estates, Rights, or Interests in the Land which may not be saved by the Declaration, and the Persons entitled to such Estates, Rights, or Interests may be damnified

Person alienating to invest Trust Money in Purchase of Lands to

be settled to certain Uses.

damnified by the subsequent Alienation of the Land for valuable Consideration: Be it therefore enacted, That all Money received by the Person so alienating shall be deemed to have been received by him in trust to invest the same in the Purchase of Lands to be settled to the Uses and on the Trusts to and on which the Lands so alienated stood limited at the Time of such Alienation: Provided always, that this Clause shall not be deemed to impose any Liability on any Person who may have received any Money on such Alienation as a Trustee, so far as relates to Money which he may have duly applied in execution of the Trusts reposed in him.

Provision as to married Women.

36. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Court or such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-four, "for the Abolition of Fines and Recoveries, and for the "Substitution of more simple Modes of Assurance;" and the Form and Manner in which such Examination shall be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: Provided always, that a married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole.

3 & 4 W. 4. c. 74.

Provision for other Persons under Disability.

37. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act: Provided always, that where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of

of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian.

38. Proceedings under this Act shall not abate or be suspended by any Death or Transmission or Change of Interest, but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Court, where it sees fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Court may appear just.

Proceedings not to abate by Death, &c.

39. A Register shall be kept in such Place as the Lord Chancellor shall appoint, wherein any Person having or claiming to have any Estate, Right, Title, or Interest in or to any Land, or having or claiming to have any Incumbrance thereon, shall be at liberty to enter his Name and Address, with the Name of the County, Parish, and Township in which such Land is situated, in such Form as the Chancellor shall order; and when any Person shall have made such Entry the Court shall not make an Order under this Act unless it is satisfied, after such Evidence as it shall think sufficient, that Notice of the Application for such Order has been given to such Person as shall have made such Entry in a reasonable Time before such Order is actually made.

Register of Estates, Titles, &c. to be kept.

40. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or of any Three of them, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and of giving Notices, and generally the Practice of the Court in respect of the Matters to which this Act relates; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authorities respectively; and all such Rules and Orders shall take effect as General Orders of the Court.

Power to Lord Chancellor, &c. to make Rules and Orders.

41. Until any General Rules and Orders shall be framed under the last preceding Section, the Rules and Orders set forth in the Schedule hereto annexed shall be taken to be Rules and Orders of the Court of Chancery, but the same shall be liable to be rescinded or altered as if they had been made by the Lord Chancellor, with such Advice and Assistance as in the last preceding Section is mentioned.

Court of Chancery to adopt Rules in Schedule until General Rules are framed.

42. It shall be lawful for the Lord Chancellor from Time to Time to appoint such additional Clerks as to him may seem necessary

Power to Lord Chancellor to appoint additional Clerks.

necessary for enabling the Court duly to execute the Duties imposed on it; and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor, with the Consent of the Lords of the Treasury, may think proper.

Rules and Orders to be laid before Parliament.

43. All General Rules and Orders made as aforesaid, including all Orders for the Appointment of any additional Clerks, shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Twenty-one Days after the next Meeting thereof; and it shall be lawful for either House of Parliament, by any Resolution passed within Six Weeks after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof ought not to continue in force, and thereupon the same shall cease to be binding.

Penalty on making false Statement and Suppression of Deeds and Evidence.

44. If in the course of any Proceeding before the Court under this Act any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from the Court any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award: The Order or Declaration of Title obtained by means of such Fraud or Falsehood shall be null and void for or against all Persons other than a Purchaser for valuable Consideration without Notice.

Penalty on fraudulent Alteration, &c.

45. If in the course of any Proceeding before the Court under this Act any Person shall fraudulently forge or alter or assist in forging or altering any Certificate or other Document relating to such Land or to the Title thereof, or shall fraudulently offer, utter, dispose of, or put off any such Certificate or other Document, knowing the same to be forged or altered, such Person shall be guilty of Felony, and upon Conviction shall be liable, at the Discretion of the Court by which he is convicted, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for a Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Conviction not to affect Civil Remedy.

46. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved

aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

47. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding, in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Enactment of Penalty not to exclude Obligation to make Discovery.

48. In the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Person" shall include a Body Politic or Corporate; the Word "Possession" shall include Receipt of the Rents and Profits; and the Word "Land" shall not include any incorporeal Hereditaments, but shall include all corporeal Tenements and Hereditaments not expressly excepted.

Construction of Terms, &c. in this Act: "Person:" "Possession:" "Land."

49. This Act shall relate to *England* only, and shall come into operation on the First Day of *January* One thousand eight hundred and sixty-three, and may be cited as "The Declaration of Title Act, 1862."

Extent of Act.

Short Title.

SCHEDULE.

1. Every Petition for a Declaration of Title shall contain an exact Description in their actual State of the Lands as to which the Declaration is sought, stating particularly the Boundaries thereof, and the Lands on which the same and every Part thereof abut, and, so far as conveniently may be, the Names and Descriptions of the Owners and Occupiers of such last-mentioned Lands.

2. On the Investigation of the Title to the Lands as to which the Declaration is sought, the Identity of the Lands described in the Petition, with the Parcels as described in the Title Deeds, shall be established by Affidavit or otherwise, as the Court may deem just.

3. The Court may, if it shall deem it necessary or proper, require the Petitioner to lodge in Court a Map or Plan of the Lands in question.

4. The

Declaration of Title.

4. The Petitioner, after obtaining the Order for a Declaration of Title, shall cause a Copy thereof, together with the Description of the Lands in question, with any engraved or lithographed Plan thereof (if any exists) to be served on every adjoining Occupier and Owner, or on such of them and on such other Persons (if any) as the Court may direct to be so served.

5. He shall also cause a Copy or Copies thereof to be deposited in some Office or Place, Offices or Places, to be appointed by the Court on or near to the Lands in question, to be accessible at all reasonable Times to all Persons desirous of examining the same, and Notice of every such Deposit shall be affixed in some Public Place or Places on or near to the Lands in question.

6. Every such Copy served on any adjoining Occupier or Owner, or deposited as aforesaid, shall state that any Person wishing to show Cause against the making of the proposed Declaration may do so by presenting a Petition in a summary Way to the Court of Chancery at any Time before the Day appointed for making the proposed Declaration.

7. The Petitioner, after such Deposit shall have been made, shall cause Advertisements to be inserted Three Times at least in such Newspapers on such Days as the Court shall direct, stating the said Order, and stating also where any Copy has been so deposited for Inspection.

8. Unless the last of such Advertisements is made within Four Weeks next after the Date of the Order, the Time thereby fixed for showing Cause against the same shall be enlarged for One Calendar Month, or such further Time as the Court shall direct.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXVIII.

An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.

[29th *July* 1862.]

WHEREAS by Law, as now established, the Authors of Paintings, Drawings, and Photographs have no Copyright in such their Works, and it is expedient that the Law should in that respect be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Copyright in Works hereafter made or sold to vest in the Author for his Life and for Seven Years after his Death.

1. The Author, being a *British* Subject or resident within the Dominions of the Crown, of every original Painting, Drawing, and Photograph which shall be or shall have been made either in the *British* Dominions or elsewhere, and which shall not have been sold or disposed of before the Commencement of this Act, and his Assigns, shall have the sole and exclusive Right of copying, engraving, reproducing, and multiplying such Painting or Drawing, and the Design thereof, or such Photograph, and the Negative thereof, by any Means and of any Size, for the Term of the natural Life of such Author, and Seven Years after his Death; provided that when any Painting or Drawing, or the Negative of any Photograph, shall for the First

Time after the passing of this Act be sold or disposed of, or shall be made or executed for or on behalf of any other Person for a good or a valuable Consideration, the Person so selling or disposing of or making or executing the same shall not retain the Copyright thereof, unless it be expressly reserved to him by Agreement in Writing, signed, at or before the Time of such Sale or Disposition, by the Vendee or Assignee of such Painting or Drawing, or of such Negative of a Photograph, or by the Person for or on whose Behalf the same shall be so made or executed, but the Copyright shall belong to the Vendee or Assignee of such Painting or Drawing, or of such Negative of a Photograph, or to the Person for or on whose Behalf the same shall have been made or executed; nor shall the Vendee or Assignee thereof be entitled to any such Copyright, unless, at or before the Time of such Sale or Disposition, an Agreement in Writing, signed by the Person so selling or disposing of the same, or by his Agent duly authorized, shall have been made to that Effect.

Copyright not to prevent the Representation of the same Subjects in other Works.

2. Nothing herein contained shall prejudice the Right of any Person to copy or use any Work in which there shall be no Copyright, or to represent any Scene or Object, notwithstanding that there may be Copyright in some Representation of such Scene or Object.

Assignments, Licences, &c. to be in Writing.

3. All Copyright under this Act shall be deemed Personal or Moveable Estate, and shall be assignable at Law, and every Assignment thereof, and every Licence to use or copy by any Means or Process the Design or Work which shall be the Subject of such Copyright, shall be made by some Note or Memorandum in Writing, to be signed by the Proprietor of the Copyright, or by his Agent appointed for that Purpose in Writing.

Register of Proprietors of Copyright in Paintings, Drawings, and Photographs to be kept at Stationers Hall as in 5 & 6 Vict. c. 45.

4. There shall be kept at the Hall of the Stationers Company, by the Officer appointed by the said Company for the Purposes of the Act passed in the Sixth Year of Her present Majesty, intituled *An Act to amend the Law of Copyright*, a Book or Books, entitled "The Register of Proprietors of Copyright in Paintings, Drawings, "and Photographs," wherein shall be entered a Memorandum of every Copyright to which any Person shall be entitled under this Act, and also of every subsequent Assignment of any such Copyright; and such Memorandum shall contain a Statement of the Date of such Agreement or Assignment, and of the Names of the Parties thereto, and of the Name and Place of Abode of the Person in whom such Copyright shall be vested by virtue thereof, and of the Name and Place of Abode of the Author of the Work in which there shall be such Copyright, together with a short Description of the Nature and Subject of such Work, and in addition thereto, if the Person registering shall so desire, a Sketch, Outline, or Photograph of the said Work, and no Proprietor of any such Copyright shall

shall be entitled to the Benefit of this Act until such Registration, and no Action shall be sustainable nor any Penalty be recoverable in respect of anything done before Registration.

Certain Enactments of 5 & 6 Vict. c. 45. to apply to the Books to be kept under this Act.

5. The several Enactments in the said Act of the Sixth Year of Her present Majesty contained, with relation to keeping the Register Book thereby required, and the Inspection thereof, the Searches therein, and the Delivery of certified and stamped Copies thereof, the Reception of such Copies in Evidence, the making of false Entries in the said Book, and the Production in Evidence of Papers falsely purporting to be Copies of Entries in the said Book, the Application to the Courts and Judges by Persons aggrieved by Entries in the said Book, and the expunging and varying such Entries, shall apply to the Book or Books to be kept by virtue of this Act, and to the Entries and Assignments of Copyright and Proprietorship therein under this Act, in such and the same Manner as if such Enactments were here expressly enacted in relation thereto, save and except that the Forms of Entry prescribed by the said Act of the Sixth Year of Her present Majesty may be varied to meet the Circumstances of the Case, and that the Sum to be demanded by the Officer of the said Company of Stationers for making any Entry required by this Act shall be One Shilling only.

Penalties on Infringement of Copyright.

6. If the Author of any Painting, Drawing, or Photograph in which there shall be subsisting Copyright, after having sold or disposed of such Copyright, or if any other Person, not being the Proprietor for the Time being of Copyright in any Painting, Drawing, or Photograph, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply for Sale, Hire, Exhibition, or Distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for Sale, Hire, Exhibition, or Distribution, any such Work or the Design thereof, or, knowing that any such Repetition, Copy, or other Imitation has been unlawfully made, shall import into any Part of the United Kingdom, or sell, publish, let to Hire, exhibit, or distribute, or offer for Sale, Hire, Exhibition, or Distribution, or cause or procure to be imported, sold, published, let to Hire, distributed, or offered for Sale, Hire, Exhibition, or Distribution, any Repetition, Copy, or Imitation of the said Work, or of the Design thereof, made without such Consent as aforesaid, such Person for every such Offence shall forfeit to the Proprietor of the Copyright for the Time being a Sum not exceeding Ten Pounds; and all such Repetitions, Copies, and Imitations made without such Consent as aforesaid, and all Negatives of Photographs made for the Purpose of obtaining such Copies, shall be forfeited to the Proprietor of the Copyright.

7. No

Penalties on fraudulent Productions and Sales.

7. No Person shall do or cause to be done any or either of the following Acts; that is to say,

First, no Person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any Painting, Drawing, or Photograph, or the Negative thereof, any Name, Initials, or Monogram:

Secondly, no Person shall fraudulently sell, publish, exhibit, or dispose of, or offer for Sale, Exhibition, or Distribution, any Painting, Drawing, or Photograph, or Negative of a Photograph, having thereon the Name, Initials, or Monogram of a Person who did not execute or make such Work:

Thirdly, no Person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any Copy or colourable Imitation of any Painting, Drawing, or Photograph, or Negative of a Photograph, whether there shall be subsisting Copyright therein or not, as having been made or executed by the Author or Maker of the original Work from which such Copy or Imitation shall have been taken:

Fourthly, where the Author or Maker of any Painting, Drawing, or Photograph, or Negative of a Photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the Possession of such Work, if any Alteration shall afterwards be made therein by any other Person, by Addition or otherwise, no Person shall be at liberty, during the Life of the Author or Maker of such Work, without his Consent, to make or knowingly to sell or publish, or offer for Sale, such Work or any Copies of such Work so altered as aforesaid, or of any Part thereof, as or for the unaltered Work of such Author or Maker:

Penalties.

Every Offender under this Section shall, upon Conviction, forfeit to the Person aggrieved a Sum not exceeding Ten Pounds, or not exceeding double the full Price, if any, at which all such Copies, Engravings, Imitations, or altered Works shall have been sold or offered for Sale; and all such Copies, Engravings, Imitations, or altered Works shall be forfeited to the Person, or the Assigns or legal Representatives of the Person, whose Name, Initials, or Monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the Penalties imposed by this Section shall not be incurred unless the Person whose Name, Initials, or Monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within Twenty Years next before the Time when the Offence may have been committed.

8. All

8. All pecuniary Penalties which shall be incurred, and all such unlawful Copies, Imitations, and all other Effects and Things as shall have been forfeited by Offenders, pursuant to this Act, and pursuant to any Act for the Protection of Copyright Engravings, may be recovered by the Person herein-before and in any such Act as aforesaid empowered to recover the same respectively, and hereinafter called the Complainant or the Complainer, as follows:

Recovery of pecuniary Penalties.

In *England* and *Ireland*, either by Action against the Party offending, or by summary Proceeding before any Two Justices having Jurisdiction where the Party offending resides:

In England and Ireland.

In *Scotland* by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff of the County where the Offence may be committed or the Offender resides, who, upon Proof of the Offence or Offences, either by Confession of the Party offending, or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable to the Penalty or Penalties aforesaid, as also in Expenses, and it shall be lawful for the Sheriff, in pronouncing such Judgment for the Penalty or Penalties and Costs, to insert in such Judgment a Warrant, in the event of such Penalty or Penalties and Costs not being paid, to levy and recover the Amount of the same by Poinding: Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoilzieing the Defender, to find the Complainer liable in Expenses, and any Judgment so to be pronounced by the Sheriff in such summary Application shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise.

In Scotland.

9. In any Action in any of Her Majesty's Superior Courts of Record at *Westminster* and in *Dublin*, for the Infringement of any such Copyright as aforesaid, it shall be lawful for the Court in which such Action is pending, if the Court be then sitting, or if the Court be not sitting then for a Judge of such Court, on the Application of the Plaintiff or Defendant respectively, to make such Order for an Injunction, Inspection, or Account, and to give such Direction respecting such Action, Injunction, Inspection, and Account, and the Proceedings therein respectively, as to such Court or Judge may seem fit.

Superior Courts of Record in which any Action is pending may make an Order for an Injunction, Inspection, or Account.

10. All Repetitions, Copies, or Imitations of Paintings, Drawings, or Photographs, wherein or in the Design whereof there shall be subsisting Copyright under this Act, and all Repetitions, Copies, and Imitations of the Design of any such Painting or Drawing, or of the Negative of any such Photograph, which, contrary to the Provisions of this Act, shall have been made in any Foreign State, or in any Part of the *British* Dominions, are hereby absolutely prohibited to be imported into any Part of the United Kingdom,

Importation of pirated Works prohibited.

Application in such Cases of Customs Acts.

Kingdom, except by or with the Consent of the Proprietor of the Copyright thereof, or his Agent authorized in Writing; and if the Proprietor of any such Copyright, or his Agent, shall declare that any Goods imported are Repetitions, Copies, or Imitations of any such Painting, Drawing, or Photograph, or of the Negative of any such Photograph, and so prohibited as aforesaid, then such Goods may be detained by the Officers of Her Majesty's Customs.

Saving of Right to bring Action for Damages.

11. If the Author of any Painting, Drawing, or Photograph, in which there shall be subsisting Copyright, after having sold or otherwise disposed of such Copyright, or if any other Person, not being the Proprietor for the Time being of such Copyright, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for Sale, Hire, Exhibition, or Distribution, any such Work or the Design thereof, or the Negative of any such Photograph, or shall import or cause to be imported into any Part of the United Kingdom, or sell, publish, let to Hire, exhibit, or distribute, or offer for Sale, Hire, Exhibition, or Distribution, or cause or procure to be sold, published, let to Hire, exhibited, or distributed, or offered for Sale, Hire, Exhibition, or Distribution, any Repetition, Copy, or Imitation of such Work, or the Design thereof, or the Negative of any such Photograph, made without such Consent as aforesaid, then every such Proprietor, in addition to the Remedies hereby given for the Recovery of any such Penalties, and Forfeiture of any such Things as aforesaid, may recover Damages by and in a Special Action on the Case, to be brought against the Person so offending, and may in such Action recover and enforce the Delivery to him of all unlawful Repetitions, Copies, and Imitations, and Negatives of Photographs, or may recover Damages for the Retention or Conversion thereof: Provided that nothing herein contained, nor any Proceeding, Conviction, or Judgment, for any Act hereby forbidden, shall affect any Remedy which any Person aggrieved by such Act may be entitled to either at Law or in Equity.

Provisions of 7 & 8 Vict. c. 12. to be considered as included in this Act.

12. This Act shall be considered as including the Provisions of the Act passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty, intituled *An Act to amend the Law relating to International Copyright*, in the same Manner as if such Provisions were Part of this Act.

LONDON:
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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXIX.

An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes.

[29th *July* 1862.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Harbours Transfer Act, 1862. Short Title.

2. In this Act—

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral; and when the said Term is used in reference to any other Act, it shall be taken to comprise any Term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners: Interpretation of Terms.

The

Harbours Transfer.

The Term "the Board of Trade" shall be taken to mean the Lords of the Committee of Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Preliminary Inquiries Act, 1851.

Board of Trade may exercise Powers under Preliminary Inquiries Act, 14 & 15 Vict. c. 49.

3. Whenever after the End of the present Session of Parliament Application is made to Parliament for any such Bill as is described in The Preliminary Inquiries Act, 1851, the Board of Trade may exercise the Powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Board of Trade to inform Admiralty of pending Schemes.

4. Provided always, as follows:

(1.) In each Year as soon as may be, and not more than Fourteen Days after the Deposit at the Office of the Board of Trade of such Documents as may be required by the Standing Orders of either House of Parliament to be there deposited with reference to such Bills as aforesaid, the Board of Trade shall furnish to the Admiralty a List of all such Bills for which Applications to Parliament may be then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such Bills respectively:

Admiralty may intervene where necessary for Protection of Interests of Naval Service.

(2.) Where in any Case, on Consideration of the Information so furnished, the Admiralty are of opinion that it is proper for them to take Steps for the Protection of the Interests of Her Majesty's Naval Service, they may exercise the Powers given to them by The Preliminary Inquiries Act, 1851, as if this Act had not been passed, and whether the Standing Orders of either House of Parliament may or may not have required any Documents to be deposited at the Admiralty Office.

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c. of Board of Trade as to Harbour Works on Tidal Lands, Lifeboats, &c.

5. With respect to any Special Act that may be passed after the End of the present Session of Parliament, the following Sections of The Harbours, Docks, and Piers Clauses Act, 1847, and all Provisions relative thereto in that Act or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Twelve, Thirteen, Sixteen, Eighteen, and Nineteen.

Railways Clauses Consolidation Acts, 1845.

Consent and Approval of Board of

6. With respect to any Special Act that may be passed after the End of the present Session of Parliament, Sections Seventeen of The

Harbours Transfer.

The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (*Scotland*) Act, 1845, respectively, and all Provisions relative thereto in the said Acts or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Trade to Railway Works on Tidal Lands.

Tramways (Ireland) Act, 1860.

7. With respect to Applications made after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, under The Tramways (*Ireland*) Act, 1860, Section Forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Plans, &c. to be deposited with Board of Trade under 23 & 24 Vict. c. 152. s. 41.

Special Acts for Railways, Harbours, &c.

8. Where any Special or Local or Local and Personal Act, or Act of a Local or Local and Personal Nature, already passed or to be passed before the End of the present Session of Parliament,—

(1.) Authorizing or regulating the Construction of a Railway, or the Execution of any Work whatever, situate on or affecting Tidal Lands, or the Shore of the Sea or of any navigable River, where and so far up the same as the Tide flows and reflows; or,

(2.) Authorizing or regulating the Construction or improving of a Harbour, Dock, or Pier, or Works connected therewith, by any Company, Body Corporate, Commissioners, Trustees, Undertakers, Persons or Person; or,

(3.) Constituting or altering or regulating the Constitution of any Harbour or Conservancy Authority; or,

(4.) Altering or regulating the Powers or Duties of any Harbour or Conservancy Authority,—

contains either expressly or by Incorporation or Reference or otherwise any Provision for any of the Purposes following:—

For preventing the Construction or Execution of any Work or the doing of any Thing without the Consent or Approval of the Admiralty, or for authorizing or requiring any Work to be constructed, executed, or maintained, or any Thing to be done with the Consent or on the Requisition or to the Satisfaction of the Admiralty:

For empowering the Admiralty to exercise any Authority concerning Lifeboats, Mortars, Rockets, Tide Gauges, or Barometers to be provided by any Undertakers:

For empowering the Admiralty to make a Local Survey or Examination at the Expense of any Company, Body, or Person:

Powers for Protection of Navigation, &c. under Local Acts for Harbours, Railways, and other Works on Tidal Lands, &c. to be exercised by Board of Trade.

For

For empowering the Admiralty, in case of any Work being abandoned or suffered to fall into Disuse or Decay, or in any other Case, to abate, remove, or alter any Work or any Part of it, or restore the Site thereof to its former Condition, at the like Expense:

For empowering the Admiralty to exercise any Authority concerning Lights to be maintained at Night during the Construction or Execution of any Work:

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a Member or Members of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority:

For empowering the Admiralty to determine any Dispute or Difference between or among any Bodies or Persons:

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any Arbitrator, Referee, or Umpire, or any Engineer, Inspector, or Officer, or any Person to fill any Place or discharge any Duty under such Act:

or any other Provision for the Protection, Management, or Regulation of Harbours or Navigation, or for the Exercise of any Control or Power over or in relation to any Harbour Authority, or any other Provision in any wise relating to Conservancy, or authorizing or requiring any Act or Thing concerning Harbours or Navigation or Conservancy to be done by or in relation to the Admiralty,—

Then from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, such Acts and all Enactments relative thereto shall be read and construed as if in the respective Provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

Power to Admiralty to retain Authority over Ports, &c. where Dockyards, &c. are situate.

9. Provided always, That where it appears to the Admiralty that the Interests of Her Majesty's Naval Service require that the whole or any Part of any Harbour, Port, Bay, Estuary, or navigable River in, on, or adjoining to which there is or shall be any of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, Arsenals, or Naval Stations, should be excepted, either entirely or in some respects, out of the Operation of the last foregoing Section, the Admiralty may give Notice in Writing to the Board of Trade that any such Harbour, Port, Bay, Estuary, or navigable River as aforesaid, or such Part thereof as is in the Notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such Notice shall be published by the Admiralty in the *London*, *Edinburgh*, or *Dublin* Gazette, (according as the Place affected may be in *England*, *Scotland*, or *Ireland*,) and thereupon the Harbour, Port, Bay, Estuary, or navigable River to which such Notice relates, or the Part thereof therein

therein specified, shall, either entirely or in the respects therein mentioned, as the Case may require, be and remain as if this Act had not been passed, but any such Notice may be from Time to Time varied or at any Time revoked by a like Notice published in like Manner.

10. Provided also, That nothing herein-before contained shall affect— Exception as to Mersey and Thames.

(1.) The Act of the Session of the Fifth and Sixth Years of Her Majesty, "for better preserving the Navigation of the "River *Mersey*:" 5 & 6 Vict. c. cx.

(2.) So much of Section Three of the Act of the Session of the Twentieth and Twenty-first Years of Her Majesty, "to "provide for the Conservation of the River *Thames*, and "for the Regulation, Management, and Improvement "thereof," as empowers the Admiralty to appoint Two of the Conservators of the River *Thames*. 20 & 21 Vict. c. cxlvii. s. 3.

General Pier and Harbour Act, 1861, *and Amendment Act.*

11. From and after the End of the present Session of Parliament, the following Provisions of The General Pier and Harbour Act, 1861, shall be repealed; namely, so much of Section Six as shall be then in force, Sections Seven and Eight, and so much of Section Fifteen as relates to the Consent of the Admiralty. Parts of 24 & 25 Vict. c. 45., relative to Admiralty repealed.

12. From and after the End of the present Session of Parliament, any Provision of The General Pier and Harbour Act, 1861, Amendment Act, requiring any Deposit of Documents to be made at the Admiralty Office, shall be repealed. Pier and Harbour Act Amendment Act repealed as to Deposit at Admiralty Office.

13. In each Year, not later than the Seventh Day of *January*, the Board of Trade shall furnish to the Admiralty a List of all Applications for Provisional Orders under the last-mentioned Acts then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such proposed Provisional Orders respectively. Board of Trade to furnish to Admiralty Information as to Applications for Provisional Orders.

14. From and after the End of the present Session of Parliament, the following Sections of The General Pier and Harbour Act, 1861, Amendment Act, and all Provisions relative thereto in any other Act or in any Provisional Order of the Board of Trade contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Seven, Eight, Nine, Ten, and Eleven. Provisions of same Act made applicable to Board of Trade.

Public Harbours: 46 *Geo.* 3. *c.* 153.

Notices of Piers, &c. to be given to Board of Trade. 46 G. 3. c. 153.

15. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Act of the Forty-sixth Year of King *George* the Third (Chapter One hundred and fifty-three) "for "the Preservation of the Public Harbours of the United Kingdom," shall be read as if the Board of Trade were therein named instead of the Admiralty.

Ballast: 54 *Geo.* 3. *c.* 159.

Provisions as to Ballast to be administered by Board of Trade. 54 G. 3. c. 159. ss. 14. 16.

16. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, Sections Fourteen and Sixteen of the Act of the Fifty-fourth Year of King *George* the Third (Chapter One hundred and fifty-nine), "for the better Regulation "of the several Ports, Harbours, Roadsteads, Sounds, Channels, "Bays, and navigable Rivers in the United Kingdom, and of His "Majesty's Docks, Dockyards, Arsenals, Wharfs, Moorings, and "Stores therein, and for repealing several Acts passed for that "Purpose," and all Provisions in the said Act contained relative thereto, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Holyhead and Portpatrick.

Transfer of Harbours in Schedule.

17. On the First Day of *January* One thousand eight hundred and sixty-three, the Harbours specified in the Schedule to this Act, and all Breakwaters, Piers, Jetties, Quays, Wharves, Lighthouses, Roads, Approaches, Works, and Buildings belonging thereto, and the Ground and Soil thereof, and all Lands and Hereditaments acquired for the Purposes thereof, so far as on that Day such Harbours and Property shall be vested in the Admiralty or in any Commissioner for the Execution of any Act for any Estate or Interest, but not further or otherwise, shall be transferred to and vested in the Board of Trade in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and on and after the same Day the Enactments mentioned in the said Schedule, and every other Enactment relating to or affecting the same Harbours shall be read and construed as if the Board of Trade were therein named instead of the Admiralty or instead of any such Commissioner, as the Case may be.

Powers, &c. under Acts in Schedule and other Acts to be exercised by Board of Trade.

Savings.

Prerogative of Crown and general Conservancy Powers of Admiralty.

18. Nothing in this Act shall affect—

(1.) Any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or belonging to Her Majesty the Queen, Her Heirs or Successors, in right of Her Crown, or of Her Office of Admiral, or otherwise:

(2.) Any

Harbours Transfer.

(2.) Any Right, Duty, Power, Jurisdiction, or Authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, otherwise than under or by virtue of the several Acts and Parts of Acts herein-before expressly mentioned or referred to.

19. Nothing in this Act shall prejudicially affect—

Acts done, Contracts and Appointments made, Proceedings pending, &c. under Provisions of former Acts not to be prejudicially affected.

(1.) Any Purchase, Sale, Conveyance, Covenant, Contract, Deed, Act, or Thing which before the passing of this Act has been or before the respective Days whereon the several Provisions of this Act commence and take effect shall be made, entered into, executed, or done under or by virtue of any Act or Part of an Act herein-before expressly mentioned or referred to; and the same respectively shall continue in as full Force and be as valid and effectual as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(2.) Any Debt or Money Demand, or any Right or Cause of Action or Suit, or other Remedy of, for, or against the Admiralty or any other Body or Person; and the same shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(3.) Any Nomination or Appointment of any Member of any Board or Body of Trustees, Commissioners, or Conservators or of any Harbour or Conservancy Authority, which before the passing of this Act has been or before the respective Days aforesaid shall be made under any such Act as aforesaid:

(4.) Any Action, Suit, Prosecution, Proceeding, or Thing which before the passing of this Act has been or before the respective Days aforesaid shall be commenced under or by virtue of any such Act; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Borrowing Powers of Harbour Authorities.

Power to borrow, whether authorized by Special Act or not. 24 & 25 Vict. c. 47. s. 3.

20. The Power given to a Harbour Authority by The Harbours and Passing Tolls, &c. Act, 1861, to borrow from the Public Works Loan Commissioners, shall be deemed to apply whether the Harbour Authority has or has not Power to borrow under a Special Act.

21. A Har-

Borrowing Power not restrained by Limitation of Amount in Special Act.

21. A Harbour Authority may, subject and according to the Provisions of the last-mentioned Act, borrow Money to any Amount whatever, notwithstanding any Limitation of the Amount to be borrowed by such Harbour Authority contained in any Special Act; but nothing in The Harbours and Passing Tolls, &c. Act, 1861, or in this Act, shall be deemed to give to any Loan made or to be made under The Harbours and Passing Tolls, &c. Act, 1861, Equality, as to Order of Charge or of Payment of Principal or Interest, with any Loan made or to be made under any Special Act, except only as to such Portion (if any) of the Money raised under The Harbours and Passing Tolls, &c. Act, 1861, as might have been raised under the Special Act solely, or to repeal or alter any Provision of any Special Act whereby any Harbour Authority being a Company is restricted from borrowing until a definite Portion of Capital is subscribed for or taken or paid up.

Maximum Limit of Rates mentioned in 24 & 25 Vict. c. 47. s. 3. p.7. repealed.

22. Section Three, Paragraph Seven, of The Harbours and Passing Tolls, &c. Act, 1861, shall be read and construed as if the Words "not exceeding the Rates specified in the Schedule to The "Burgh Harbours (*Scotland*) Act, 1853," were omitted therefrom.

SCHEDULE.

Harbours.	Enactments.
Holyhead Harbour, and the Harbour of Refuge at or near Holyhead - -	17 & 18 Vict. c. 44.
Portpatrick Harbour - -	1 G. 4. c. 112. sects. 8, 9 (except so much as relates to the signing of Contracts), 10 to 22 (both inclusive), 28. 30, 31, 32. 24 & 25 Vict. c. 106.

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VICTORIÆ REGINÆ.

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Certain Offenders to be apprehended on Requisition of an Ambassador of the King of Denmark.

2. Where Requisition has been made pursuant to the said Convention, in the Name of His Majesty the King of *Denmark* by His Ambassador or other accredited Diplomatic Agent, to deliver up to Justice any Person, who, being accused or convicted of any Crime for which such Person is liable to be delivered up in pursuance of the said Convention, is found within the Dominions of Her Majesty, it shall be lawful for One of Her Majesty's Principal Secretaries of State by Warrant under his Hand and Seal to signify that such Requisition has been made, and to require all Magistrates within their several Jurisdictions to govern themselves accordingly, and to aid in apprehending the Person so accused or convicted, herein-after referred to as the Fugitive, and in committing him to Gaol for the Purpose of his being delivered up to Justice according to the Provisions of the said Convention:

Upon the Issue of any such Warrant as aforesaid, it shall be lawful for any Magistrate acting within the Limits of his Jurisdiction, to issue his Warrant for the Apprehension of the said Fugitive, and to commit him to Gaol, there to remain until delivered up pursuant to such Requisition as aforesaid; provided that the following Conditions are complied with before the Warrant is issued by the Magistrate:

Firstly. That in the Case of a Fugitive accused of Crime it is proved to the Satisfaction of the Magistrate, upon Oath or by Affidavit, that the Party applying to him for a Warrant is the Bearer of a Warrant of Arrest or other equivalent Judicial Document for the Arrest of the said Fugitive issued by a Judge or Magistrate duly authorized to take Cognizance of the Acts charged against the Fugitive in *Denmark*, and clearly setting forth, in the Opinion of the Magistrate to whom the Application for a Warrant under this Act is made, the Acts in respect of which the original Warrant was issued:

Secondly. That in the Case of a Person accused such Evidence is produced to the Magistrate as, according to the Laws of the Part of Her Majesty's Dominions in which the Magistrate is acting, would in his Opinion justify the Apprehension and Committal for Trial of the Fugitive if the Crime of which he is accused had been there committed, with this Qualification, that Depositions or Statements on Oath, certified under the Hand of the Magistrate by whom the original Warrant was issued and attested by the Oath of the Party producing them to be the original Depositions or Statements, or true Copies thereof, may be received in Evidence of the Criminality of the Fugitive apprehended:

Thirdly. That in the Case of a Fugitive convicted of Crime an authenticated Copy of the Conviction is produced and Proof of the

the Identity of the Person convicted is given to the Satisfaction of the Magistrate:

Where any Person liable to be delivered up in pursuance of the said Convention is found in *Ireland*, a Warrant under the Hand of the Chief Secretary or of the Lord Lieutenant of *Ireland* shall for the Purposes of this Act be equivalent to a Warrant of One of Her Majesty's Principal Secretaries of State:

A Magistrate may administer an Oath for any of the Purposes of this Act:

The Warrant of any Police Magistrate of the Metropolis issued in pursuance of this Act may be executed in any Part of *England* in the same Manner as if the same had been originally issued or subsequently endorsed by a Justice of the Peace having Jurisdiction in the Place where the same is executed.

Provision as to Colonies.

3. Where any such Fugitive as aforesaid has fled from a Colony or Possession of the King of *Denmark* and is found in a Colony or Possession of Her Majesty, the Requisition herein-before required to be made in the Name of His Majesty the King of *Denmark* by his Ambassador or other accredited Agent, may be made directly by the Governor of the first-mentioned Colony or Possession to the Governor of the other Colony or Possession, subject to this Proviso, that the Governor upon whom the Requisition may be made shall be at liberty either to grant the Surrender or to refer the Matter to his Government, and any Warrant issued by the Governor upon whom such Requisition is made shall have in such Colony or Possession the same Effect as a Warrant issued in pursuance of this Act by One of Her Majesty's Principal Secretaries of State has in *England*.

Offenders to be delivered up.

4. It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in the Case of any Person committed in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in the Case of any Person committed in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to order any Fugitive committed in pursuance of this Act to be delivered up to such Person or Persons as may be duly authorized in the Name of the said King of *Denmark* to receive the Person so committed, and convey him to the Dominions of the King of *Denmark*, and such Fugitive shall be delivered up accordingly; and it shall be lawful for the Person or Persons authorized as aforesaid to receive, hold in Custody, and take to the Dominions of the King of *Denmark* the Fugitive so delivered to him; and if the said Fugitive escape out of any Custody to which he may be delivered as aforesaid, it shall be lawful to retake him, in the same Manner as any Person accused of

of any Crime against the Laws of that Part of Her Majesty's Dominions to which he escapes may be retaken upon an Escape.

After Two Months the Persons apprehended may be discharged, if not conveyed out of Her Majesty's Dominions.

5. Where any Fugitive who has been committed under this Act, to remain until delivered up pursuant to Requisition as aforesaid, is not delivered up pursuant thereto, and conveyed out of Her Majesty's Dominions, within Two Calendar Months after such Committal, it shall be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such Fugitive is in Custody, upon Application made to him by or on behalf of the Person so committed, and upon Proof that reasonable Notice of the Intention to make such Application has been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or in *Ireland* to the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad to the Officer administering the Government of any such Colony or Possession, to order the Person so committed to be discharged out of Custody, unless sufficient Cause is shown to such Judge why the Prisoner should not be discharged.

Limits of Act.

6. If, by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession abroad, Provision may be made for carrying into complete Effect within such Colony or Possession the Objects of this Act by the Substitution of some other Enactment in lieu thereof, it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this Act so long as such substituted Enactment continues in force there, and no longer.

Continuance of Act.

7. This Act shall continue in force during the Continuance of the said Convention.

SCHE-

SCHEDULE.

CONVENTION between HER MAJESTY and the KING OF DENMARK, for the Mutual SURRENDER of CRIMINALS. Signed at London, April 15, 1862. Ratifications exchanged at London, May 27, 1862.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Denmark, having judged it expedient, with a View to the better Administration of Justice, and to the Prevention of Crime within their respective Territories and Jurisdictions, that Persons charged with or convicted of the Crimes herein-after enumerated, and being Fugitives from Justice, should, under certain Circumstances, be reciprocally delivered up; their said Majesties have named as their Plenipotentiaries to conclude a Convention for this Purpose; that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs;

And His Majesty the King of Denmark, M. Torben de Bille, His Chamberlain, Commander of the Order of Danebrog, and decorated with the Cross of Honour of the same Order, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

Who, after having communicated to each other their respective full Powers, found in good and due Form, have agreed upon and concluded the following Articles:

ARTICLE I.

It is agreed that the High Contracting Parties shall, on Requisition made in their Name through the Medium of their respective Diplomatic Agents, deliver up to Justice Persons who, being accused or convicted of Murder (comprehending the Crimes of Assassination, Parricide, Infanticide, and Poisoning) or attempt to commit Murder, or of Forgery (comprehending the counterfeiting of Bank Notes, or Public Securities, or Money), or of fraudulent Bankruptcy, committed within the Jurisdiction of the requiring Party, shall be found within the Territories of the other, provided that such Persons are not Subjects of the Party upon which the Requisition is made. Provided also, that in the Case of a Person accused, the Surrender shall be made only when the Commission of the Crime shall be so established as that the Laws of the Country where the Fugitive or Person so accused shall be found would justify his Apprehension and Commitment for Trial if the Crime had been there committed, and in the Case of a Person convicted, the Surrender shall be made only on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

Consequently, on the Part of the Danish Government, the Surrender shall be made only by the Consent of the Minister to whose Department appertains the Administration of Justice, and after the Production, in the Case of a Person accused, of a Warrant of Arrest or other equivalent Judicial Document

issued by a Judge or other competent Authority in the United Kingdom, clearly setting forth the Acts for which the Fugitive shall have rendered himself accountable, or in the Case of a Person convicted, on the Production of an authenticated Copy of his Conviction and on Proof of his Identity

On the Part of the British Government, the Surrender in the Case of a Person accused shall be made only on the Warrant or other equivalent Judicial Document for the Arrest of a Fugitive, issued by a Judge or Magistrate duly authorized to take Cognizance of the Acts charged against the Fugitive in Denmark, and on duly authenticated Depositions or Statements on Oath before such Judge or Magistrate, clearly setting forth the said Acts, or on such other Evidence thereof as, according to the Laws of England, would warrant the Apprehension of the said Fugitive and his Committal for Trial for the said Acts, if they had been therein committed, or in the Case of a Person convicted, on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

ARTICLE II.

In the Case of a Person accused or convicted of any of the Crimes mentioned in the preceding Article, who may have fled from a Colony or Possession of one of the High Contracting Parties and be found in a Colony or Possession of the other, the Surrender shall be made, subject always to the Conditions prescribed in the preceding Article, on a Requisition addressed by the Governor of the one Colony directly to the Governor of the other. The Governor upon whom the Requisition is made shall be at liberty either to grant the Surrender or to refer the Matter to his Government.

ARTICLE III.

The Expenses of any Detention and Surrender made in virtue of the preceding Articles shall be borne and defrayed by the Government in whose Name the Requisition shall have been made.

ARTICLE IV.

The present Convention shall come into operation as soon as the necessary Legislative Acts shall have been passed. Either of the High Contracting Parties shall be at liberty to give Notice to the other at any Time for its Termination; and in such Case it shall altogether cease and determine at the Expiration of Six Months from the Date of such Notice.

ARTICLE V.

The present Convention shall be ratified, and the Ratifications shall be exchanged at London in One Month, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the Seal of their Arms.

Done at London, the Fifteenth Day of April, in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) RUSSELL.
(L.S.) TORBEN BILLE.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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dated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 7,858,537*l.* 2*s.* 10*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

2. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Seven million eight hundred fifty-eight thousand five hundred and thirty-seven Pounds Two Shillings and Tenpence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in anotner Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

3. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

4. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 7,858,537*l.* 2*s.* 10*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

5. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Seven million eight hundred fifty-eight thousand five hundred and thirty-seven Pounds Two Shillings

lings and Tenpence; anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

6. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.

7. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

8. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Treasury may apply, for the Service of the Year 1862, 6,569,355*l.* 1*s.* 9*d.* Surplus of Ways and Means.

9. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty-two, the Sum of Six million five hundred sixty-nine thousand three hundred and fifty-five Pounds One Shilling and Ninepence, being the Surplus of Ways and

and Means granted for the Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Appropriation of Ways and Means to Services hereafter expressed.

25 Vict. c. 1. 973,747*l.*

25 Vict. c. 2. 18,000,000*l.*

25 & 26 Vict. c. 31. 10,000,000*l.*

7,858,537. 2. 10. and 6,569,355. 1. 9.

43,401,639. 4. 7.

10. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Nine hundred "and seventy-three thousand seven hundred and forty-seven Pounds "out of the Consolidated Fund to the Service of the Year ending "the Thirty-first Day of March One thousand eight hundred and "sixty-two;" and also the Sum of Eighteen Millions granted by one other Act passed in this Session of Parliament, intituled "An "Act to apply the Sum of Eighteen Millions out of the Consolidated "Fund to the Service of the Year One thousand eight hundred and "sixty-two;" and also the Sum of Ten Millions granted by one other Act passed in this Session of Parliament, intituled "An Act to "apply the Sum of Ten Millions out of the Consolidated Fund to "the Service of the Year One thousand eight hundred and sixty-"two;" and also the respective Sums of Seven million eight hundred fifty-eight thousand five hundred and thirty-seven Pounds Two Shillings and Tenpence, and Six million five hundred sixty-nine thousand three hundred and fifty-five Pounds One Shilling and Ninepence, by this Act granted, amounting in the aggregate to the Sum of Forty-three million four hundred one thousand six hundred and thirty-nine Pounds Four Shillings and Sevenpence, shall be further appropriated and are hereby appropriated and shall be issued and applied for or towards the several Uses and Purposes hereafter expressed.

There shall be issued 364,338*l.* for Naval Services for 1861-2.

100,000*l.* for Wages to additional Seamen, &c.

30,000*l.* for Provisions, &c.

11. And whereas, in order to provide for the Exigencies of the Naval Service, it has been necessary to incur an Expenditure for Naval Services beyond the Grants for the Year ended on the Thirty-first Day of March One thousand eight hundred and sixty-two, amounting to Three hundred sixty-four thousand three hundred and thirty-eight Pounds: Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge of Wages for Officers, Seamen, and Boys employed in Her Majesty's Fleet, in excess of the Numbers authorized, including the Purchase of Clothing for Seamen, &c., which will have come in course of Payment during the Year ended on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, for the Purchase of Provisions and Victualling Stores and other Charges for Officers, Seamen, and Boys employed in Her Majesty's Fleet, in excess of the Numbers authorized, in the Year ended the Thirty-first Day of March One thousand

thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two hundred thirty-four thousand three hundred and thirty-eight Pounds, to defray the Charge for the Freight of Ships, for the Victualling and Conveyance of Troops on account of the Army, in excess of the Amount voted for the Service of the Year ended on the Thirty-first Day of March One thousand eight hundred and sixty-two.

234,338*l.* for Freight of Ships, Victualling, and Conveyance of Troops.

12. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eleven million seven hundred ninety-four thousand three hundred and five Pounds for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three million seventy-eight thousand one hundred and twenty-one Pounds, to defray the Charge of Wages to Seventy-six thousand Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One million three hundred sixty-two thousand and ninety-three Pounds, to defray the Charge of Victuals to Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One hundred seventy thousand eight hundred and thirty-two Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Two hundred ninety-seven thousand six hundred and two Pounds, to defray the Salaries and Expenses of the Coast Guard Service, the Charges for the Royal Naval Coast Volunteers, and Royal Naval Reserve, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Sixty-eight thousand and forty-five Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One hundred seventy-six thousand six hundred and twenty-four Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding

There shall be issued 11,794,305*l.* for Navy Service; viz.:

3,078,121*l.* for Wages to 76,000 Seamen and Marines, &c.;

1,362,093*l.* for Victuals, &c. in the Navy;

170,832*l.* for Salaries, &c. in Admiralty Office;

297,602*l.* for Salaries, &c. of Coast Guard, Naval Coast Volunteers, and Naval Reserve;

68,045*l.* for the Navy Scientific Departments;

176,624*l.* for Naval Establishments at home;

33,610*l.* for Naval Establishments abroad;

exceeding Thirty-three thousand six hundred and ten Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One million one hundred forty-seven thousand six hundred and seventy-eight Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Sixty-six thousand eight hundred and one Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One million seven hundred forty-four thousand one hundred and eighty-four Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One million four hundred fifty-three thousand five hundred and sixty-one Pounds, to defray the Expense of Steam Machinery for Her Majesty's Ships and Vessels, and for Payment to be made for Ships and Vessels building or to be built by Contract, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Four hundred sixty-four thousand one hundred and seventy Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Sixty-six thousand Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Ninety-eight thousand seven hundred and eight Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Seven hundred and two thousand three hundred and eight Pounds, to defray the Charge of Half Pay, Reserved Half Pay, and Retirement

1,147,678*l.* for Wages of Artificers, &c. at home;

66,801*l.* for Wages of Artificers, &c. abroad;

1,744,184*l.* for Naval Stores;

1,453,561*l.* for Steam Machinery, &c.;

464,170*l.* for new Works in Naval Establishments;

66,000*l.* for Medicines, &c.;

98,708*l.* for Naval Miscellaneous Services;

709,308*l.* for Naval Half Pay, &c.;

to

to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One hundred ninety-four thousand two hundred and eighty-two Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Four hundred eighty-one thousand and thirty-six Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One hundred eighty-eight thousand six hundred and fifty Pounds, to defray the Charge for the Freight of Ships, for the victualling and Conveyance of Troops, on account of the Army, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three.

194,282*l.* for Civil Pensions;

481,036*l.* for Military Pensions;

188,650*l.* for Freight of Ships, victualling and Conveyance of Troops, &c.

13. And whereas, in order to provide for the Exigencies of the Army Services, it has been necessary to incur an Expenditure for Army Services beyond the ordinary and supplementary Grants for the Year ended the Thirty-first Day of March One thousand eight hundred and sixty-two, amounting to Six hundred and nine thousand four hundred and nine Pounds: Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eleven thousand seven hundred and eighty-five Pounds, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding Seventy-six thousand five hundred and ten Pounds, to defray the Miscellaneous Expenses of Her Majesty's Forces beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding Eleven thousand Pounds, to defray the Expenses of the Manufacturing Departments, Military Store Establishments, Royal Engineer Civil Establishments, Barrack Establishments, &c., beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding Twenty-seven thousand two hundred and seventy-five Pounds, to defray the Expenses of Wages beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding One hundred seventy-eight thousand five hundred

There shall be issued 609,109*l.* for Army Services for 1861-62.

11,785*l.* for Pay, &c of Land Forces;

76,510*l.* for Miscellaneous Charges;

11,000*l.* for Manufacturing Departments, &c.;

27,275*l.* for Wages;

178,500*l.* for Clothing and Necessaries;

hundred Pounds, to defray the Expense of Clothing, Necessaries, &c., beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding One hundred twenty-six thousand nine hundred Pounds, to defray the Expenses of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding One hundred seventy thousand and seventy-seven Pounds, to defray the Expenses of Warlike Stores for Land and Sea Service, beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two; and any Sum or Sums of Money not exceeding Seven thousand three hundred and sixty-two Pounds, to defray the Expense of Barracks beyond the ordinary and supplementary Grants, for the Year One thousand eight hundred and sixty-one—two.

126,900*l.* for Provisions, &c.;

170,077*l.* for Stores for Land and Sea Service;

7,362*l.* for Barracks.

There shall be issued 6,057,522*l.* for Army Services, viz.

14. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six million fifty-seven thousand five hundred and twenty-two Pounds, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Fortifications, Buildings, and Barracks at home and abroad, herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Seven hundred sixty-six thousand and ninety-one Pounds, to defray the Charge of the Wages of Artificers, Labourers, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Five hundred ninety-seven thousand two hundred and sixty-four Pounds, to defray the Charge of Clothing and Necessaries, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding One million six hundred thirty-four thousand three hundred and seventeen Pounds, to defray the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Two million sixty thousand two hundred and seventy-six Pounds, to defray the Charge of Warlike Stores for Land and Sea Service, which will come in course of Payment during the Year ending on the Thirty-first Day of

766,091*l.* for Wages of Artificers, &c.;

597,264*l.* for Clothing and Necessaries;

1,634,317*l.* for Provisions, Barrack Furniture, &c.;

2,060,276*l.* for Stores for Land and Sea Service;

of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding One hundred sixty-three thousand four hundred and ninety-one Pounds, to defray the Charge of Fortifications at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding One hundred fifty-eight thousand one hundred and twenty-eight Pounds, to defray the Charge of Civil Buildings at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Six hundred seventy-seven thousand nine hundred and fifty-five Pounds, to defray the Charge of Barracks at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Ten million two thousand eight hundred and twenty-eight Pounds, for defraying all the other Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Five million three hundred fifty-five thousand five hundred and ninety-six Pounds, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Seven hundred and six thousand eight hundred and ninety-two Pounds, to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Two hundred eighteen thousand one hundred and sixty-seven Pounds, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Two hundred and nine thousand nine hundred and one Pounds, to defray the Charge of the Departments of the Secretary of State for War and of the General Commanding in Chief, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Three hundred thirty-four thousand one hundred and fifty-one Pounds, to defray the Charge of the Manufacturing Departments, Barrack Masters, &c., which will

163,491*l.* for Fortifications;

158,128*l.* for Civil Buildings;

677,955*l.* for Barracks;

10,002,828*l.* for other Army Services, viz.:

5,355,596*l.* for Pay, &c. of Land Forces exclusive of India;

706,892*l.* for Miscellaneous Charges of ditto;

218,167*l.* for Volunteer Corps;

209,901*l.* for Departments of Secretary for War and Commander-in-Chief;

334,151*l.* for Manufacturing Departments, &c.;

come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Twenty-four thousand three hundred and sixty Pounds, to defray the Charge of Rewards for Military Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Seventy-seven thousand six hundred Pounds, to defray the Charge of the Pay of General Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Four hundred seventy-nine thousand seven hundred and twenty-two Pounds, to defray the Charge of the Pay of Reduced and Retired Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding One hundred seventy-nine thousand eight hundred and seventy-six Pounds, to defray the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Thirty-five thousand six hundred and thirty-three Pounds, to defray the Charge of Pensions and Allowances to Officers for Wounds, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Thirty-three thousand nine hundred and twenty-three Pounds, to defray the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding One million one hundred fifty-six thousand three hundred and eighty Pounds, to defray the Charge of the Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding One hundred forty-three thousand three hundred and sixty-four Pounds, to defray the Charge of Superannuation and Retired Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Two hundred ninety-six thousand two hundred and eighty-three Pounds, to

24,360*l.* for Rewards for Military Services;

77,600*l.* for General Officers;

479,722*l.* for Reduced and Retired Officers;

179,876*l.* for Pensions to Widows of Officers, and Compassionate List;

35,633*l.* for Pensions, &c. to wounded Officers;

33,923*l.* for In-Pensioners, &c. of Chelsea and Kilmainham Hospitals;

1,156,380*l.* for Out-Pensioners of Chelsea Hospital;

143,364*l.* for Superannuation and Retired Allowances;

296,283*l.* for Educational and Scientific Branches;

to defray the Charge of the Educational and Scientific Branches, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three inclusive; and any Sum or Sums of Money not exceeding Seven hundred and fifty thousand nine hundred and eighty Pounds, to defray the Charge of the Disembodied Militia, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three.

750,980*l.* for Disembodied Militia.

15. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million Pounds, to pay off and discharge Exchequer Bonds payable on the Eighth Day of May One thousand eight hundred and sixty-two.

There shall be issued 1,000,000*l.* for Exchequer Bonds.

16. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-eight thousand nine hundred and thirty-four Pounds Four Shillings and Sevenpence, to make good the Deficiency of the Amount voted for the Charges of the Post Office Services, and the Collection of the Post Office Revenue, for the Year ended the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-five thousand five hundred and eighty-seven Pounds, to make good the Deficiency of the Amount voted for the Post Office Packet Service, for the Year ended the Thirty-first Day of March One thousand eight hundred and sixty-two.

There shall be issued 28,934*l.* 4*s.* 7*d.* to make good Deficiency for Post Office Services for 1862;

25,587*l.* to make good Deficiency of Post Office Packet Service for 1862.

17. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred and fifty thousand Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding One million three hundred eighty-two thousand two hundred and seventy-four Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-three; and any Sum or Sums of Money not exceeding Two million eighty-four thousand six hundred and eighty-seven Pounds, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-three; and any

There shall be issued 750,000*l.* for Customs Department;

1,382,274*l.* for Inland Revenue Department;

2,084,687*l.* for Post Office, &c.;

915,897*l.* for Packet Service;

any Sum or Sums of Money not exceeding Nine hundred fifteen thousand eight hundred and ninety-seven Pounds, to defray the Charge of the Packet Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three;

535,834*l.* for Superannuations, &c., Customs, Inland Revenue, and Post Office.

and any Sum or Sums of Money not exceeding Five hundred thirty-five thousand eight hundred and thirty-four Pounds, to defray the Charge for Superannuations and Compensation Allowances, Pensions, and other non-effective Charges in the Departments of Customs, Inland Revenue, and Post Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-three.

CIVIL SERVICES. *Class* 1.

There shall be issued 33,583*l.* for Repair of Royal Palaces;

CIVIL SERVICES.—*Class* 1.

18. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-three thousand five hundred and eighty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Maintenance and Repair of the Royal Palaces;

89,510*l.* for Maintenance &c. of Public Buildings, temporary Accommodation, &c.;

and any Sum or Sums of Money not exceeding Eighty-nine thousand five hundred and ten Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Maintenance and Repair of Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon;

14,611*l.* for Furniture for Public Departments;

and any Sum or Sums of Money not exceeding Fourteen thousand six hundred and eleven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Supply and Repair of Furniture in the various Public Departments;

86,664*l.* for Maintenance, &c. of Royal Parks, Pleasure Grounds, &c.;

and any Sum or Sums of Money not exceeding Eighty-six thousand six hundred and sixty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith;

32,647*l.* for New Houses of Parliament;

and any Sum or Sums of Money not exceeding Thirty-two thousand six hundred and forty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Works and Expenses at the New Houses of Parliament;

Parliament; and any Sum or Sums of Money not exceeding Five thousand one hundred and four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Maintenance and Repairs of Embassy Houses, &c. abroad; and any Sum or Sums of Money not exceeding Four hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Maintenance and Repairs of the new Consular Offices, and of the Hospital and Prison at Constantinople; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Formation of the Approaches to the new Bridge at Westminster; and any Sum or Sums of Money not exceeding One thousand two hundred and thirty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Expenses connected with the new Bridge at Westminster; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for erecting a new Office for the Secretary of State for Foreign Affairs; and any Sum or Sums of Money not exceeding One thousand two hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for providing temporary Accommodation for the Department of the Secretary of State for Foreign Affairs; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Erection of the Industrial Museum in Edinburgh; and any Sum or Sums of Money not exceeding Nine hundred and three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for enlarging, repairing, and altering the King's College and Marischal College, Aberdeen University; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Expenses connected with the Probate Court and Registries; and any Sum or Sums

5,104*l.* for Embassy Houses, &c., abroad;

450*l.* for new Consular Offices and Prison at Constantinople;

2,500*l.* for Approaches to Westminster Bridge;

1,231*l.* for Westminster Bridge;

15,000*l.* for new Foreign Office;

1,250*l.* for temporary Accommodation for Department for Foreign Affairs;

10,000*l.* for Industrial Museum, Edinburgh;

903*l.* for King's and Marischal Colleges, Aberdeen University;

10,000*l.* for Probate Court and Registries;

1,705*l.* for National Gallery, Trafalgar Square;

2,500*l.* for National Gallery, &c., Dublin;

101,221*l.* for New Packet Harbour and Harbour of Refuge at Holyhead, &c.;

96,342*l.* for erecting, &c. Public Buildings, Ireland;

5,000*l.* for New Record Buildings, Four Courts, Dublin;

11,994*l.* for erecting, &c. Lighthouses abroad;

20,000*l.* for Contributions in aid of Poor Relief Assessments;

150,000*l.* for Harbours of Refuge.

Sums of Money not exceeding One thousand seven hundred and five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for increasing the Accommodation for Painting and Sculpture in the National Gallery in Trafalgar Square; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for erecting a National Gallery for Paintings, Sculpture, and the Fine Arts, and for the Reception of Archbishop Marsh's Public Library, in Dublin; and any Sum or Sums of Money not exceeding One hundred and one thousand two hundred and twenty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Works and Expenses at the new Packet Harbour and Harbour of Refuge at Holyhead, and Portpatrick Harbour; and any Sum or Sums of Money not exceeding Ninety-six thousand three hundred and forty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Construction of new Record Buildings at the Four Courts, Dublin; and any Sum or Sums of Money not exceeding Eleven thousand nine hundred and ninety-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for erecting and maintaining certain Lighthouses abroad; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Contributions in aid of local Assessments for the Relief of the Poor in respect of certain Descriptions of Government Property; and any Sum or Sums of Money not exceeding One hundred and fifty thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for constructing certain Harbours of Refuge.

CIVIL SERVICES.—*Class* 2.

CIVIL SERVICES. *Class* 2.

19. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Sixty-nine thousand six hundred and forty-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Offices of the Two Houses of Parliament, and Allowances to retired Officers; and any Sum or Sums of Money not exceeding Fifty-two thousand three hundred and sixty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Department of Her Majesty's Treasury; and any Sum or Sums of Money not exceeding Twenty-five thousand eight hundred and fifty-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Office of Her Majesty's Secretary of State for the Home Department; and any Sum or Sums of Money not exceeding Sixty-four thousand three hundred and nineteen Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs; and any Sum or Sums of Money not exceeding Thirty thousand seven hundred and forty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies; and any Sum or Sums of Money not exceeding Twenty thousand five hundred and sixty-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council; and any Sum or Sums of Money not exceeding Fifty-nine thousand seven hundred and eighty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, the Joint Stock Companies, Registration Office, and the Designs Office; and any Sum or Sums of Money not exceeding Two thousand seven hundred and sixty Pounds,

There shall be issued 69,646*l.* for Salaries, &c. of Houses of Parliament;

52,363*l.* for the Treasury;

25,856*l.* for the Home Department;

64,319*l.* for Foreign Department;

30,748*l.* for the Department of the Colonies;

20,566*l.* for Privy Council;

59,787*l.* for Committee of Privy Council for Trade, &c.;

2,760*l.* for Lord Privy Seal;

Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salary of the Lord Privy Seal, and the Salaries and Expenses of his Establishment; and any Sum or Sums of Money not exceeding Six thousand nine hundred and ninety-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for conducting the Business of the Civil Service Commission; and any Sum or Sums of Money not exceeding Nineteen thousand eight hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of Her Majesty's Paymaster General, including the Branch Pay Office in Dublin; and any Sum or Sums of Money not exceeding Six thousand five hundred and sixty-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of the Comptroller General of the Exchequer; and any Sum or Sums of Money not exceeding Thirty thousand eight hundred and thirty-nine Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings; and any Sum or Sums of Money not exceeding Twenty-six thousand one hundred and thirty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues; and any Sum or Sums of Money not exceeding Twenty thousand and forty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Department of Public Records, including the State Paper Office; and any Sum or Sums of Money not exceeding Two hundred twenty-six thousand one hundred and twenty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Expenses connected with the Administration of the Laws relating to the Poor; and any Sum or Sums of Money not exceeding Sixty-two thousand seven hundred and thirty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March

6,992*l.* for Civil Service Commission;

19,800*l.* for Paymaster General's Department;

6,565*l.* for Department of Comptroller General of Exchequer;

30,839*l.* for Office of Commissioners of Works and Public Buildings;

26,138*l.* for Office of Woods, Forests, &c.;

20,042*l.* for Public Record Department and State Paper Office;

226,123*l.* for Administration of Poor Laws;

62,734*l.* for the Mint;

March One thousand eight hundred and sixty-three, of the Establishment of the Mint, including Expenses of the Coinage; and any Sum or Sums of Money not exceeding Twenty-six thousand and twenty-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Inspectors of Factories, Mines, &c.; and any Sum or Sums of Money not exceeding Six thousand three hundred and sixteen Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Offices in Scotland, and other Charges, formerly paid from the Hereditary Revenue; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland; and any Sum or Sums of Money not exceeding Sixteen thousand five hundred and thirty-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London; and any Sum or Sums of Money not exceeding Three thousand five hundred and eighty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland, including the temporary Allowances for the Architect and Secretary of the Board of Control of Lunatic Asylums; and any Sum or Sums of Money not exceeding Twenty-four thousand three hundred and one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Board of Public Works in Ireland; and any Sum or Sums of Money not exceeding Thirty-two thousand nine hundred and thirty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts; and any Sum or Sums of Money not exceeding Nineteen thousand eight hundred and eighteen Pounds, to defray the Charge which will come in course

26,025*l.* for Salaries, &c. of Inspectors of Factories, Mines, &c.;

6,316*l.* for Civil Charges, &c., Scotland;

6,431*l.* for Officers, &c. of Lord Lieutenant of Ireland;

16,535*l.* for Chief Secretary, &c., Ireland;

3,587*l.* for Inspection, &c. of Lunatic Asylums, Ireland;

24,301*l.* for Board of Public Works, Ireland;

32,931*l.* for Department of Commissioners for auditing Public Accounts;

19,818*l.* for Copyhold, Inclosure, and Tithe Commission;

course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expense of the Copyhold, Inclosure, and Tithe Commission; and any Sum or Sums of Money not exceeding Twelve thousand and ninety Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Imprest Expenses of the Copyhold, Inclosure, and Tithe Commission under the Inclosure and Drainage Acts; and any Sum or Sums of Money not exceeding Forty-seven thousand five hundred and seventy-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of the Registrars General of Births, &c., in London, Dublin, and Edinburgh; and any Sum or Sums of Money not exceeding Fourteen thousand six hundred and sixty-nine Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the National Debt Office; and any Sum or Sums of Money not exceeding Four thousand one hundred and twenty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners; and any Sum or Sums of Money not exceeding Six thousand nine hundred and fifty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for certain Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the Board of Lunacy in Scotland; and any Sum or Sums of Money not exceeding One thousand two hundred and twenty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salary and Expenses of the General Superintendent of County Roads in South Wales; and any Sum or Sums of Money not exceeding Two thousand two hundred and ninety-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Departments of the Registrars of Friendly Societies in England, Scotland, and Ireland; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and forty-three Pounds,

12,090*l.* for Imprest Expenses, &c. of Copyhold, Inclosure, and Tithe Commission;

47,578*l.* for Salaries, &c. of General Register Office, London, Dublin, and Edinburgh;

14,669*l.* for Salaries, &c., National Debt Office;

4,120*l.* for Salaries, &c., Public Works Loan Commissioners, &c;

6,958*l.* for Lunacy Commissioners, England, and Salaries, &c., Lunacy Board, Scotland;

1,223*l.* for General Superintendent of County Roads in South Wales;

2,294*l.* for Registrars of Friendly Societies, England, Scotland, and Ireland;

17,743*l.* for Charity Commission;

Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Charity Commission for England and Wales; and any Sum or Sums of Money not exceeding Six thousand nine hundred and fifty-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Office in London under the Local Government Act, and the Expense of the Inspection of Burial Grounds in England and Wales; and any Sum or Sums of Money not exceeding Three thousand two hundred and thirty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for collecting Agricultural and Emigration Statistics in Ireland; and any Sum or Sums of Money not exceeding Two thousand two hundred and sixty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Office of Land Revenue Records and Inrolments in London, and of the Landed Estates Record Office in Dublin; and any Sum or Sums of Money not exceeding Three thousand and forty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expenses connected with Quarantine Arrangements; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Her Majesty's Foreign and other Secret Services; and any Sum or Sums of Money not exceeding Three hundred forty-two thousand six hundred and forty-nine Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Stationery, Printing, and Binding, for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office; and any Sum or Sums of Money not exceeding One hundred fifteen thousand five hundred and eighty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Postage of Letters on the Public Service in the several Departments.

6,955*l.* for Salaries, &c. of Office under the Local Government Act, and Inspection of Burial Grounds;

3,232*l.* for collecting Agricultural and Emigration Statistics, Ireland;

2,268*l.* for Salaries in Land Revenue Records and Inrolments, London, &c.;

3,044*l.* for Quarantine Expenses;

32,000*l.* for Foreign and other Secret Services;

342,649*l.* for Stationery, &c.; for Public Departments;

115,580*l.* for Postage of Letters on the Public Service.

Civil Services. *Class 3.*

Civil Services.—*Class 3.*

There shall be issued 30,510*l.* for Law Charges and Office of Solicitor to the Treasury, &c.;

167,678*l.* for Prosecutions at Assizes and Quarter Sessions, &c.;

228,475*l.* for Police in Counties and Boroughs in England and Wales, and Police in Scotland;

3,098*l.* for Crown Office, Queen's Bench;

11,540*l.* for Department of Registrar of the Admiralty, and Admiralty Court, Dublin;

5,501*l.* for Insolvent Debtors Court;

78,330*l.* for Court of Probate, &c.;

20. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty thousand five hundred and ten Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Law Charges, and for the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin; and any Sum or Sums of Money not exceeding One hundred sixty-seven thousand six hundred and seventy-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates, including Adjudications under the Criminal Justice Act, Sheriffs Expenses, Salaries in lieu of Fees to Clerks of Assize and other Officers, and for Compensation to Clerks of the Peace under the same Act; and any Sum or Sums of Money not exceeding Two hundred twenty-eight thousand four hundred and seventy-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Police in Counties and Boroughs in England and Wales, and for Police in Scotland; and any Sum or Sums of Money not exceeding Three thousand and ninety-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Crown Office, Queen's Bench; and any Sum or Sums of Money not exceeding Eleven thousand five hundred and forty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of the Registrar and Marshal of the High Court of Admiralty, and for the Expenses of the Admiralty Court, Dublin; and any Sum or Sums of Money not exceeding Five thousand five hundred and one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Commissioners and other Officers, and for the Expenses of the Insolvent Debtors Court; and any Sum or Sums of Money not exceeding Seventy-eight thousand three hundred and thirty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Courts of

of Probate and Divorce and Matrimonial Causes; and any Sum or Sums of Money not exceeding One hundred and sixty-five thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses connected with the County Courts; and any Sum or Sums of Money not exceeding Twenty-one thousand four hundred and thirty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Police Courts of the Metropolis; and any Sum or Sums of Money not exceeding One hundred forty thousand four hundred and forty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Metropolitan Police; and any Sum or Sums of Money not exceeding Three thousand five hundred and sixty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Queen's Prison; and any Sum or Sums of Money not exceeding Eighteen thousand and ninety-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Remuneration to Revising Barristers in England and Wales; and any Sum or Sums of Money not exceeding Three thousand six hundred and seventy-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Annuities by way of Compensations falling due under the Divorce and Matrimonial Causes Act; and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and thirty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Compensations and Retiring Annuities of certain Holders of abolished Offices under "The Bankruptcy Act, 1861;" and any Sum or Sums of Money not exceeding Three thousand three hundred and forty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Lord Advocate and of the Solicitor General, Scotland; and any Sum or Sums of Money not exceeding Eighteen thousand two hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Court of Session

165,000*l.* for County Courts;

21,430*l.* for Police Courts of the Metropolis;

140,443*l.* for Metropolitan Police;

3,564*l.* for Queen's Prison;

18,092*l.* for Revising Barristers, England and Wales;

3,675*l.* for Annuities under Divorce and Matrimonial Causes Act;

24,237*l.* for Compensations, &c. under "The Bankruptcy Act, 1861;"

3,342*l.* for Lord Advocate and Solicitor General, Scotland;

18,200*l.* for Salaries, Court of Session, Scotland;

11,076*l.* for Court of Justiciary, Scotland;

Session in Scotland; and any Sum or Sums of Money not exceeding Eleven thousand and seventy-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Court of Justiciary in Scotland;

5,000*l.* for Criminal Prosecutions by Lord Advocate;

and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Criminal Prosecutions carried on under the Authority of the Lord Advocate;

1,620*l.* for the legal Branch of the Exchequer in Scotland;

and any Sum or Sums of Money not exceeding One thousand six hundred and twenty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the legal Branch of the Exchequer in Scotland;

38,231*l.* for Criminal Prosecutions, &c. in Scotland;

and any Sum or Sums of Money not exceeding Thirty-eight thousand two hundred and thirty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Sheriffs and Stewards, including Procurators Fiscal not paid by Salaries, and the Expenses of Criminal Prosecutions, &c. in Sheriff Courts in Scotland;

23,475*l.* for Procurators Fiscal in Scotland;

and any Sum or Sums of Money not exceeding Twenty-three thousand four hundred and seventy-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees;

14,330*l.* for Sheriff Clerks Scotland;

and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and thirty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of such of the Sheriff Clerks, Scotland, as are not chargeable on the Consolidated Fund;

2,300*l.* for Expenses in Matters of Tithes, &c.;

and any Sum or Sums of Money not exceeding Two thousand three hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salary of the Solicitor of the Crown, and Expenses in Matters of Tithes, and the Expenses of the Agent of the Officers of State in maintaining Rights of the Crown in Civil Actions, &c. in Scotland;

15,941*l.* for General Register House, Edinburgh;

and any Sum or Sums of Money not exceeding Fifteen thousand nine hundred and forty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh; and any Sum or Sums

Sums of Money not exceeding One thousand three hundred and five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh; and any Sum or Sums of Money not exceeding One thousand four hundred and ninety Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Department of the Accountant in Bankruptcy in Scotland; and any Sum or Sums of Money not exceeding Sixty-one thousand one hundred and thirty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expense of Criminal Prosecutions and other Law Charges in Ireland; and any Sum or Sums of Money not exceeding Five thousand five hundred and thirty-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of certain Officers of the Court of Chancery in Ireland; and any Sum or Sums of Money not exceeding Nineteen thousand and fifty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Courts of Queen's Bench, Common Pleas, and Exchequer in Ireland, and for the Salary of the Clerk to the Taxing Officers of the said Courts; and any Sum or Sums of Money not exceeding Five thousand nine hundred and thirty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Registrars to the Judges and the Salaries and Expenses of the Registrars of Nisi Prius, and of the Clerk of the Court of Errors in Ireland; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Compensations to Seneschals and other Officers of Manor Courts in Ireland; and any Sum or Sums of Money not exceeding Two thousand three hundred and fourteen Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses in the Office for the Registration of Judgments in Ireland; and any Sum or Sums of Money not exceeding Three hundred Pounds,

1,305*l.* for Department of Commissary Clerk, Edinburgh;

1,490*l.* for Department of Accountant in Bankruptcy, Scotland;

61,134*l.* for Criminal Prosecutions &c., Ireland;

5,336*l.* for Court of Chancery, Ireland;

19,052*l.* for Courts of Queen's Bench, Common Pleas, &c. Ireland;

5,932*l.* for Registrars to Judges, &c., Ireland;

2,000*l.* for Compensation to Seneschals, of Manor Courts, Ireland;

2,314*l.* for Office for Registration of Judgments, Ireland;

300*l.* for Fees to Advocates, High Court of Delegates;

Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Fees to Advocates appointed to act as Commissioners of the High Court of Delegates in Ireland;

6,893*l.* for Salaries, &c. of Court of Bankruptcy, &c. Ireland;

and any Sum or Sums of Money not exceeding Six thousand eight hundred and ninety-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Judges and Officers, and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland, and the Compensations awarded under the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty;

10,330*l.* for Court of Probate, &c. Ireland;

and any Sum or Sums of Money not exceeding Ten thousand three hundred and thirty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Court of Probate in Ireland, and the Expenses of the said Court, and of the District Registries;

11,472*l.* for Landed Estates Court, Ireland;

and any Sum or Sums of Money not exceeding Eleven thousand four hundred and seventy-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Landed Estates Court, Ireland;

1,150*l.* for Consolidated Office of Writs, Dublin;

and any Sum or Sums of Money not exceeding One thousand one hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Consolidated Office of Writs, Dublin;

420*l.* for Revising Barristers, Ireland;

and any Sum or Sums of Money not exceeding Four hundred and twenty Pounds to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Remuneration to Revising Barristers in the City of Dublin;

50,600*l.* for Salaries of Police Justices, Metropolitan Police, &c., Dublin;

and any Sum or Sums of Money not exceeding Fifty thousand six hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Police Justices and for the Expense of the Divisional Police Courts and the Metropolitan Police, Dublin;

777,368*l.* for Constabulary Force, Ireland;

and any Sum or Sums of Money not exceeding Seven hundred seventy-seven thousand three hundred and sixty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Constabulary Force in Ireland;

2,717*l.* for Four Courts Marshalsea, Dublin;

and any Sum or Sums of Money not exceeding Two thousand seven hundred and seventeen Pounds, to defray the Charge which will come in course of Payment during the Year ending on

on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expenses of the Four Courts Marshalsea Prison, Dublin; and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and ten Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Inspection and general Superintendence over all the Prisons and certified Reformatories and Industrial Schools in the United Kingdom; and any Sum or Sums of Money not exceeding Three hundred and fifty thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Government Prisons and Convict Establishments at home; and any Sum or Sums of Money not exceeding Two hundred twenty-seven thousand six hundred and four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and for the Expenses of the Removal of Convicts; and any Sum or Sums of Money not exceeding Thirty thousand five hundred and ten Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Transportation of Convicts, &c.; and any Sum or Sums of Money not exceeding One hundred forty-two thousand six hundred and eighty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Convict Establishments in the Colonies.

17,410*l.* for General Superintendence of Prisons, &c.;

350,000*l.* for Government Prisons and Convict Establishments at home;

227,604*l.* for Maintenance of Prisoners and Removal of Convicts;

30,510*l.* for Transportation of Convicts;

142,683*l.* for Convict Establishments in the Colonies.

CIVIL SERVICES.—*Class* 4.

CIVIL SERVICES. *Class* 4.

21. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight hundred forty-two thousand one hundred and nineteen Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Public Education in Great Britain; and any Sum or Sums of Money not exceeding One hundred sixteen thousand six hundred and ninety-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, &c.; and any Sum or Sums of Money not exceeding Two hundred

There shall be issued 842,119*l.* for Public Education, Great Britain.

116,695*l.* for Department of Science and Art, &c.

290,904*l.* for Public Education, Ireland;

hundred ninety thousand nine hundred and four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Public Education in Ireland, under the Commissioners of National Education in Ireland; and any Sum or Sums of Money not exceeding Seven hundred and ninety-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland; and any Sum or Sums of Money not exceeding Five thousand four hundred and seventy-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the University of London; and any Sum or Sums of Money not exceeding Twenty thousand one hundred and sixty-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Grants to Scottish Universities; and any Sum or Sums of Money not exceeding Two thousand three hundred and twelve Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Queen's University in Ireland; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Queen's Colleges in Ireland; and any Sum or Sums of Money not exceeding Five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Royal Irish Academy; and any Sum or Sums of Money not exceeding Two thousand seven hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Establishment and Expenses of the National Gallery of Ireland, including the Purchase of Pictures; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution; and any Sum or Sums of Money not exceeding Ninety-nine thousand and twelve Pounds, to defray the Charge which will come in

795*l.* for Secretary, &c. of Commissioners of Education, Ireland;

5,473*l.* for University of London;

20,161*l.* for Scottish Universities;

2,312*l.* for Queen's University, Ireland;

4,800*l.* for Queen's Colleges, Ireland;

500*l.* for Royal Irish Academy;

2,750*l.* for Expenses, Purchase of Pictures of the National Gallery, Ireland;

2,500*l.* for Theological Professors, Retired Allowances, &c. Belfast;

99,012*l.* for Salaries, &c. at British

in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the British Museum Establishment, including the Expense of new Buildings, Furniture, Fittings, &c.; and any Sum or Sums of Money not exceeding Eleven thousand nine hundred and fifty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expenses of the National Gallery, including the Purchase of Pictures; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Formation of the Gallery of Portraits of the most Eminent Persons in British History; and any Sum or Sums of Money not exceeding Seven thousand six hundred and forty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, &c.; and any Sum or Sums of Money not exceeding Five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for enabling the Royal Geographical Society to provide Accommodation for their Meetings, &c.; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for enabling the Royal Society to carry on certain Experiments for public Objects.

Museum, including Buildings, &c.;

11,953*l.* for Expenses, Purchase of Pictures, &c. of the National Gallery;

1,000*l.* for Gallery of Portraits of Eminent Persons;

7,640*l.* for Magnetic Observations abroad, &c.;

500*l.* for Royal Geographical Society;

1,000*l.* for Experiments by Royal Society.

CIVIL SERVICES.—*Class* 5.

CIVIL SERVICES. *Class* 5.

22. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand two hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Civil Establishment of the Bermudas; and any Sum or Sums of Money not exceeding Six thousand two hundred and seventy-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Ecclesiastical Establishment of the British North American Provinces;

There shall be issued 4,200*l.* for Civil Establishment, Bermudas;

6,278*l.* for Ecclesiastical Establishment of British North American Provinces;

1,438*l.* for Indian Department, Canada;

9,000*l.* for British Columbia;

55,000*l.* for Expenses of Resumption of Vancouver's Island by the Crown;

25,028*l.* for Salaries of West Indian and Colonial Governors;

10,800*l.* for Stipendiary Justices in West Indies and Mauritius;

19,634*l.* for Civil Establishments, West Coast of Africa;

5,923*l.* for St. Helena;

700*l.* for Orange River Territory;

10,000*l.* for Improvement of Kaffirs, and Government of British Kaffraria;

vinces; and any Sum or Sums of Money not exceeding One thousand four hundred and thirty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Indian Department in Canada; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for British Columbia; and any Sum or Sums of Money not exceeding Fifty-five thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, consequent upon the Resumption of Vancouver's Island from the Hudson's Bay Company by the Crown; and any Sum or Sums of Money not exceeding Twenty-five thousand and twenty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies; and any Sum or Sums of Money not exceeding Ten thousand eight hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Allowances of the Stipendiary Justices in the West India Colonies and the Mauritius; and any Sum or Sums of Money not exceeding Nineteen thousand six hundred and thirty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Civil Establishments on the Western Coast of Africa; and any Sum or Sums of Money not exceeding Five thousand nine hundred and twenty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Island of Saint Helena; and any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Orange River Territory (Cape of Good Hope); and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for promoting the Improvement of the Kaffirs, and the Settlement and Government of British Kaffraria; and any Sum

or

or Sums of Money not exceeding Seventy-nine thousand one hundred and ninety-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Repayment to the Treasury Chest of Advances made for Special Commissions and for the Pay and Maintenance of the Kaffir Police at the Cape of Good Hope between the Years One thousand eight hundred and forty-six—seven and One thousand eight hundred and fifty-three—four, and also for meeting the Excess of Expenditure for British Kaffraria beyond the Sums voted by Parliament from One thousand eight hundred and fifty-five—six to One thousand eight hundred and fifty-eight—nine, inclusive; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Heligoland; and any Sum or Sums of Money not exceeding Three thousand nine hundred and eighty-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Falkland Islands; and any Sum or Sums of Money not exceeding Four thousand three hundred and seventy-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Labuan; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Pitcairn's Islanders in Norfolk Island; and any Sum or Sums of Money not exceeding Ten thousand eight hundred and thirty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Emigration Board, and Emigration Officers at the different Ports of this Kingdom, and for certain Expenses connected with Emigration; and any Sum or Sums of Money not exceeding Two hundred forty-two thousand nine hundred and seventy-one Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, on account of the Treasury Chest; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expedition to the Niger under the Charge of Dr. Baikie; and any Sum or Sums of Money

79,193*l.* for Repayment to Treasury Chest of Advances for Kaffir Police, &c.;

960*l.* for Heligoland;

3,986*l.* for Falkland Island;

4,374*l.* for Labuan;

300*l.* for Pitcairn's Islanders;

10,834*l.* for Emigration Board and Officers;

242,971*l.* for Expenses on account of Treasury Chest;

1,500*l.* for Expedition to River Niger;

55,000*l.* for Bounties on

Slaves, and Tonnage Bounties, &c.

Money not exceeding Fifty-five thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Bounties on Slaves, and Tonnage Bounties, for Expenses incurred for the Support and Conveyance of captured Negroes and liberated Africans, and for other Charges under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding Ten thousand seven hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding One hundred sixty-seven thousand seven hundred and eighty-three Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Consular Establishments abroad; and any Sum or Sums of Money not exceeding Eighty-six thousand seven hundred and forty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Establishments in China, Japan, and Siam; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the extraordinary Disbursements of Her Majesty's Embassies and Missions abroad; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Special Missions, Diplomatic Outfits, and Conveyance of Colonial Officers and others; and any Sum or Sums of Money not exceeding Forty thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for surveying the Line of Boundary between the British and United States Territory in the Western Part of North America; and any Sum or Sums of Money not exceeding Two thousand eight hundred and twenty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of certain of the Junior Attachés to Her Majesty's Embassies and Missions abroad.

10,750*l.* for Mixed Commissions for suppressing the Slave Trade;

167,783*l.* for Consular Establishments abroad;

86,748*l.* for Establishments in China, Japan, and Siam;

35,000*l.* for Extraordinary Disbursements of Embassies and Missions abroad;

50,000*l.* for Special Missions, Outfits, &c.;

40,000*l.* for surveying the Boundary Line in Western Part of North America;

2,827*l.* for Salaries of Junior Attachés to Embassies and Missions abroad.

CIVIL SERVICES.—*Class* 6.

CIVIL SERVICES. *Class* 6.

23. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred eighty-four thousand seven hundred and six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Superannuation Allowances and Compensations to Persons formerly employed in the Public Service; and any Sum or Sums of Money not exceeding Eight hundred and twelve Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for enabling Her Majesty to grant Relief to Toulonese and Corsican Emigrants, St. Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards defraying the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Support of "The Refuge for the Destitute;" and any Sum or Sums of Money not exceeding Three thousand and sixty-two Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Subsistence of Polish Refugees and Allowances to distressed Spaniards; and any Sum or Sums of Money not exceeding Fifty-eight thousand seven hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund; and any Sum or Sums of Money not exceeding Twenty thousand four hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Relief of distressed British Seamen abroad; and any Sum or Sums of Money not exceeding Three thousand seven hundred and twenty-six Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding Two thousand five hundred and thirty-nine Pounds, to defray the Charge which will come in course of Payment during

There shall be issued 184,706*l.* for Superannuation Allowances and Compensations, Public Service;

812*l.* for Toulonese and Corsican Emigrants, &c.;

325*l.* for the Refuge for the Destitute;

3,062*l.* for Polish Refugees, &c.;

58,700*l.* for Pensions to Masters and Seamen, Merchant Service, and their Widows and Children;

20,400*l.* for distressed British Seamen abroad;

3,726*l.* for Miscellaneous Allowances formerly defrayed from Civil List, &c.;

2,539*l.* for Allowances to Treasurers of Public Infirmaries, Ireland;

during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Allowances granted under certain Acts of Parliament to the Treasurers of Public Infirmaries in Ireland; and any Sum or Sums of Money not exceeding Two thousand six hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Westmoreland Lock Hospital, Dublin; and any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Rotunda Lying-in Hospital, Dublin; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Coombe Lying-in Hospital, Dublin; and any Sum or Sums of Money not exceeding Seven thousand six hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Hospitals of the House of Industry, Dublin; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the House of Recovery and Fever Hospital, Cork Street, Dublin; and any Sum or Sums of Money not exceeding Six hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Meath Hospital, Dublin; and any Sum or Sums of Money not exceeding One hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for St. Mark's Ophthalmic Hospital, Dublin; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Doctor Steevens' Hospital, Dublin; and any Sum or Sums of Money not exceeding Two hundred and forty-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Board of Superintendence of Hospitals in Dublin; and any Sum or Sums of Money not exceeding Nine thousand and thirty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand

2,600*l.* for Westmoreland Lock Hospital, Dublin;

700*l.* for Rotunda Lying-in Hospital, Dublin;

200*l.* for Coombe Lying-in Hospital, Dublin;

7,600*l.* for Hospitals of House of Industry, Dublin;

2,500*l.* for House of Recovery and Fever Hospital, Dublin;

600*l.* for Meath Hospital, Dublin;

100*l.* for St. Mark's Ophthalmic Hospital, Dublin;

1,300*l.* for Dr. Steevens' Hospital, Dublin;

245*l.* for Board of Superintendence of Hospitals, Dublin;

9,034*l.* for Charitable Allowances charged on Concordatum Fund in Ireland, &c.;

sand eight hundred and sixty-three, for Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c.; and any Sum or Sums of Money not exceeding Thirty-nine thousand seven hundred and forty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland.

39,747*l.* for Dissenting Ministers, Ireland.

CIVIL SERVICES.—*Class 7.*

CIVIL SERVICES. *Class 7.*

24. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand seven hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Ecclesiastical Commissioners for England; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and eighty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of sundry temporary Commissions; and any Sum or Sums of Money not exceeding Twenty-nine thousand and eighty-eight Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Fees, Salaries, Expenses, and Compensations payable under the Provisions of the Patent Law Amendment Act; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and sixty-four Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries and Expenses of the Board of Fisheries in Scotland; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, on account of the Annuity to the Board of Manufactures in Scotland in discharge of Equivalents under the Treaty of Union; and any Sum or Sums of Money not exceeding One hundred fifteen thousand eight hundred and seventy-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for Payments on account of the Difference of Dues payable by British or Foreign Vessels under

There shall be issued 3,750*l.* for Ecclesiastical Commissioners, England;

15,788*l.* for sundry temporary Commissions;

29,088*l.* for Fees, &c. under Patent Law Amendment Act;

15,764*l.* for Board of Fisheries, Scotland;

2,000*l.* for Annuity to Board of Manufacturers, Scotland;

115,877*l.* for Payments of Difference of Dues payable under Treaties of Reciprocity;

3,500*l.* for Inspectors of Corn Returns; under Treaties of Reciprocity; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland; and any Sum or Sums of Money not exceeding Thirty-four thousand five hundred and fifty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for taking the Census of the Population of the United Kingdom; and any Sum or Sums of Money not exceeding Three thousand and thirty Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for fulfilling the Engagements entered into by Her Majesty's Government with certain Telegraph Companies; and any Sum or Sums of Money not exceeding Two thousand six hundred and forty-seven Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for the Expense for the Telegraphic Cable laid down between Malta and Alexandria; and any Sum or Sums of Money not exceeding Four thousand six hundred and forty-five Pounds, to defray the Charge which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-three, for certain Expenses which have heretofore been charged upon the Vote for Civil Contingencies.

1,000*l.* for adjusting Boundaries of Counties, &c., Ireland;

34,550*l.* for taking the Census;

3,030*l.* for Engagements with Telegraph Companies;

2,647*l.* for Telegraphic Cable between Malta and Alexandria;

4,645*l.* for Expenses formerly paid from Civil Contingencies.

Supplies to be applied only for the Purposes aforesaid.

25. The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses, Intents, and Purposes before mentioned, or for the other Payments, Appropriation, or Application directed to be made or satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Expenditure for Navy and Army Services respectively to be confined to the separate

26. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate

separate Services comprised in the Sum of Eleven million seven hundred ninety-four thousand three hundred and five Pounds granted by this Act for Naval Services; and in the Sum of Six million fifty-seven thousand five hundred and twenty-two Pounds granted by this Act for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel, and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Fortifications, Works, Buildings, and Barracks at home and abroad; and in the Sum of Ten million two thousand eight hundred and twenty-eight Pounds granted by this Act for all other Army Services: Provided always, that if a Necessity shall arise for incurring Expenditure not provided for in the Sums appropriated to Naval and Military Services by this Act, and which it may be detrimental to the Public Service to postpone until Provision can be made for it by Parliament in the usual Course, the respective Departments shall forthwith make Application in Writing to the Commissioners of Her Majesty's Treasury, for their Authority to defray temporarily such Expenditure out of any Surpluses which may have been or which may be effected by the Saving of Expenditure upon Votes within the same Department, and in such Applications the Departments shall represent to the Commissioners of the Treasury the Circumstances which may render such additional Expenditure necessary; and thereupon it shall be lawful for the said Commissioners to authorize the Expenditure unprovided for as aforesaid to be temporarily defrayed out of any Surpluses which may have been or which may be effected as aforesaid upon Votes within the same Department; and a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the said Commissioners to any Expenditure not provided for in the respective Votes aforesaid, accompanied by Copies of the Representations made to them by the said Departments, shall be laid before the House of Commons not later than One Month after the Accounts of the Receipt and Expenditure for Navy and for Army Services for the Year shall respectively have been rendered to the Commissioners of Audit, if Parliament be then sitting, and if not then within One Week after Parliament shall be next assembled, in order that such Proceedings may be submitted for the Sanction of Parliament, and that Provision may be made for the Deficiencies upon the several Votes for the said Services in such Manner as Parliament shall determine: Provided also, that the Commissioners of the Treasury shall not authorize any Expenditure which may cause an Excess upon the aggregate Sum of Eleven million seven hundred ninety-four thousand three hundred and five Pounds granted by this Act for Naval Services, and upon either of the Sums of Six million fifty-seven

Services for which granted.

11,794,305*l.*

6,057,522*l.*

10,002,828*l.*

Treasury may, in certain Cases of Exigency, authorize Expenditure unprovided for; provided that the aggregate Grants for the Navy Services and for the Army Services respectively be not exceeded.

seven thousand five hundred and twenty-two Pounds and Ten million two thousand eight hundred and twenty-eight Pounds granted by this Act for the several Army Services aforesaid.

Rules to be observed in the Application of the Sum appropriating Half Pay.

27. And as to the Sum of Three hundred forty-two thousand and sixty-six Pounds, being the Proportion of the Sum of Four hundred seventy-nine thousand seven hundred and twenty-two Pounds by this Act appropriated to the Pay of Reduced and Retired Officers, which is applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold

any

any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and sixty-two, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and sixty-three it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

28. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

29. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That

That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Widows, &c. claiming Pensions to make required Declaration.

30. And as to the Sum of One hundred seventy-nine thousand eight hundred and seventy-six Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and for defraying the Charge of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

31. Any such Declaration as well as all Declarations for other Army and Navy non-effective Services shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, resident Parish Minister, or other Person now by Law authorized to administer or receive such Declarations, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

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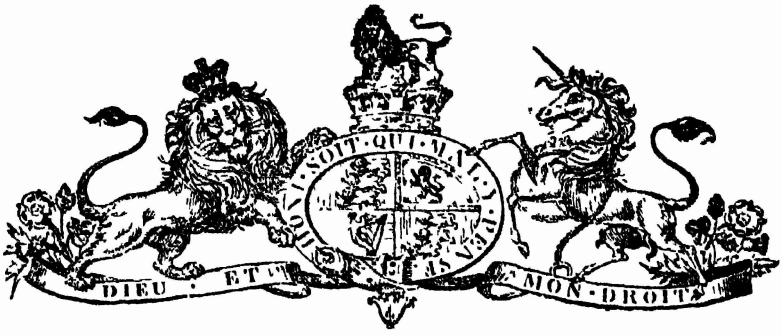

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. LXXII.

An Act to continue certain Turnpike Acts in *Great Britain*. [7th *August* 1862.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Continuation of Acts, except 53 G. 3. c. xxiv., 11 G. 4. & 1 W. 4. c. vi. (in part), 11 G. 4. & 1 W. 4. cc. xxxix., &c.

1. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty-three, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of *November* One thousand eight hundred and sixty-three and to the End of the then next Session of Parliament, except an Act of the Fifty-third Year of King *George* the Third, Chapter Twenty-four, "for "enlarging the Term and Powers of an Act of His present Majesty, "for repairing the Roads leading from the Parishes of *Yoxford*, *Sax-* "*mundham*, and *Benhall*, in the County of *Suffolk*, to the Town "of *Aldeburgh* in the said County;" an Act of the Eleventh Year of

of King *George* the Fourth, Chapter Six, "for more effectually "repairing and improving the Road from *Horsham* to the Road "leading to *Guildford* at *Aldford Cross Ways*, with Two Branches "therefrom, and for making and maintaining a new Branch of Road "to communicate therewith, all in the Counties of *Surrey* and "*Sussex*," so far as the same relates to the *Rowhook* or new Branch of Road; an Act of the same Year, Chapter Thirty-nine, "for making "a Turnpike Road from the Bridge over the River *Bure* at *Great* "*Yarmouth* to *Acle* (with certain Branches therefrom), all in the "County of *Norfolk*;" and an Act of the same Year, Chapter One hundred, "for more effectually repairing and improving the Road "from *Cromford Bridge* to the Turnpike Road at or near *Langley* "*Mill* in the County of *Derby*."

Short Title. 2. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1862."

SCHE-

SCHEDULE.

An Act to continue the Term and alter and enlarge the Powers of an Act passed in the Twenty-third Year of His present Majesty, for completing the Road from Cirencester in the County of Gloucester, through Tetbury, to Woefield Corner, and a Road from thence to or near Lambridge near the City of Bath, and for other Purposes relating thereto; and also to repair a certain Road from Duffton to Underbridge in the Parish of Shipton Moigne in the said County. 52 G. 3. c. xxvii.

An Act for continuing and amending Two Acts of His present Majesty, for repairing the Road from Shelton to Blakeley Lane Head, and from Bucknall to Weston Coyney, in the County of Stafford, and also for altering and repairing the Road from Adderley Green to Lane End in the same County. 53 G. 3. c. cxxxv.

An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for repairing the Road from Bowes in the County of York to Brough-under-Stainmore in the County of Westmorland; and for repairing and widening the Road from Maiden Castle to Kaber Cross, and other Roads therein mentioned, in the said Counties. 53 G. 3. c. clxxxvii.

An Act for continuing and amending Three Acts, One of His late Majesty and Two of His present Majesty, for repairing the Road from Middleton Tyas Lane End to Bowes in the North Riding of the County of York. 54 G. 3. c. xxxi.

An Act for repairing the Road from the Cross Hands on the Worcester and Oxford Turnpike Road to Halford Bridge, and other Roads therein mentioned, in the Counties of Gloucester, Warwick, and Worcester. 57 G. 3. c. v.

An Act for more effectually repairing and improving the Road leading from Studley Bridge, through the Borough of Chippenham, to Pickwick, and from the East End of Chippenham Bridge to Lower Stanton, and from the East End of the said Bridge to join the Road at Draycot Cerne in the County of Wilts. 58 G. 3. c. xliii.

An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Road from Kighley to Halifax in the West Riding of the County of York. 59 G. 3. c. xii.

An Act to repeal so much of an Act of the Fortieth Year of His present Majesty, for repairing certain Roads in the County of Monmouth, as relates to the Pont Pool and Usk Districts of Road, and for granting other Powers in lieu thereof; and for making a new Branch of Road from the said Usk District. 59 G. 3. c. cxxi.

An Act for more effectually repairing and improving the Road from the Town of Pool in the County of Montgomery, through Oswestry in the County of Salop, to Wrexham in the County of Denbigh, and several other Roads 1 G. 4. c. xlv.

therein

therein mentioned, in the said Counties, and in the County of Merioneth; and for making several new Branches of Roads to communicate with the said Roads in the Counties of Salop, Montgomery, and Denbigh.

1 & 2 G. 4. c. xxxix. An Act to continue the Term and to alter, amend, and enlarge the Powers of several Acts passed for repairing the Road leading from Burleigh Bridge in Loughborough to Ashby-de-la-Zouch in the County of Leicester; and also the Road branching out of the said Road at Coleorton Church to Rempstone in the Counties of Leicester and Nottingham.

1 & 2 G. 4. c. lxxxv. An Act for amending and more effectually repairing the Highway between Hockliffe and Woburn in the County of Bedford; and for repairing the Road leading through Woburn to Tickford Bridge in Newport Pagnell in the County of Buckingham.

3 G. 4. c. xl. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King George the Third, for repairing and improving the Road from the City of Canterbury to the Town and Port of Sandwich in the County of Kent.

3 G. 4. c. xlvii. An Act to enlarge the Term and Powers of several Acts passed for repairing and widening the Road from the Hand and Post in Upton Field in the Parish of Burford in the County of Oxford to a Place in the Parish of Preston in the County of Gloucester called Dancy's Fancy.

4 G. 4. c. cxxii. An Act for repairing the Roads from the Borough of Tamworth in the Counties of Stafford and Warwick to the Town of Ashby-de-la-Zouch in the County of Leicester, and from Harrington Bridge (heretofore Sawley Ferry) in the said County of Leicester to a Turnpike Gate at or near the End of Swarcliffe Lane, leading to Ashby-de-la-Zouch aforesaid.

5 G. 4. c. xi. An Act for amending and maintaining the Roads leading from the Town of Newent in the County of Gloucester, and other Roads in the Counties of Gloucester and Hereford.

5 G. 4. c. xiv. An Act for more effectually repairing and improving so much of the Road from Keswick in the County of Cumberland, by Dunmail Raise and Ambleside, to Kirkby in Kendal in the County of Westmorland, as is situate in the said County of Westmorland, and also the Road from Plumbgarth's Cross, near Kirkby in Kendal aforesaid, to the Lake called Windermere, in the County of Westmorland.

5 G. 4. c. xxviii. An Act for repairing the Road leading from the Worcester Turnpike Road in the Village of Broadway in the County of Worcester to the Stratford-upon-Avon Turnpike Road in the Village of Mickleton in the County of Gloucester.

5 G. 4. c. xxx. An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset.

6 G. 4. c. ix. An Act for enlarging the Term and Powers of several Acts passed for repairing the High Road from Boroughbridge in the County of York to Catterick in the same County, and from thence to Piersbridge on the River Tees.

6 G. 4. c. xliv. An Act for making and maintaining a Turnpike Road from Brighouse in the Parish of Halifax to Denholme Gate in the Parish of Bradford in the West Riding of the County of York.

An

Turnpike Acts Continuance.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An Act for making and maintaining a Turnpike Road from the Town of Denbigh in the County of Denbigh to Pentre Voelas in the said County, and from thence to Fynnon Eidda in the County of Carnarvon. 6 G. 4. c. cxlviii.

An Act for making and maintaining a Turnpike Road from Doncaster, through Hatfield, to Baln Croft Barn near Thorne, with One Branch therefrom, in the West Riding of the County of York. 6 G. 4. c. clxxxv.

An Act for more effectually repairing and improving several Roads leading to and from the Towns of Newton Bushell, South Bovey, and Moretonhampstead, in the County of Devon. 7 G. 4. c. xcii.

An Act for more effectually repairing and improving the Road from Standedge in Saddleworth in the County of York to Oldham in the County of Lancaster, and other Roads in the said County of York, and for making and maintaining Two new Branches to communicate therewith. 7 & 8 G. 4. c. lxiv.

An Act for altering and maintaining the Road from Stirling to Drymen Bridge in the Counties of Stirling and Perth. 7 & 8 G. 4. c. xcvi.

An Act for more effectually repairing so much of the Road from the Town of Newcastle-upon-Tyne to the City of Carlisle as is within the County of Northumberland. 9 G. 4. c. lxxii.

An Act for amending, altering, and improving the Roads leading to the Town of Okehampton in the County of Devon, and making and maintaining a certain new Road to communicate therewith. 10 G. 4. c. xviii.

An Act for maintaining and repairing the Road from the River at Swathling, through Botley, to the Road at Sherril Heath in the County of Southampton. 10 G. 4. c. lxxxi.

An Act for more effectually repairing and improving the Road from the Bottom of Church Lane in the Town of Newcastle-under-Lyme in the County of Stafford to the Road leading from Woore to Chester near Nantwich in the County Palatine of Chester, and other Roads therein mentioned. 10 G. 4. c. cxv.

An Act for more effectually repairing and improving the Roads from Market Harborough to Loughborough, and from Filling Gate to the Melton Mowbray Turnpike Road, in the County of Leicester. 11 G. 4. c. iii.

An Act for repairing and improving the Road from the Nottingham and Mansfield Turnpike Road, through Kirkby and Pinxton, to Carter Lane, and to the Colliery near Pinxton Green in the Counties of Nottingham and Derby. 11 G. 4. c. vii.

An Act for more effectually repairing, amending, widening, and improving the Road from the West Cowgate, near Newcastle-upon-Tyne, to the Alemouth Turnpike Road in the County of Northumberland, and for making and maintaining other Roads communicating therewith. 11 G. 4. c. xxi.

An Act for maintaining the Road from Catterick Bridge in the County of York, by the Towns of Yarm and Stockton, and through the Town of Sedgefield, to the City of Durham. 11 G. 4. c. xxvi.

Turnpike Acts Continuance.

11 G. 4. c. lxxxviii. An Act for repairing the Turnpike Road from the Top of Whitesheet Hill to the Wilton Turnpike Road at or near Barford in the County of Wilts.

11 G. 4 c. lxxxix. An Act for repairing, altering, and improving the Roads from Ashbourne to Sudbury, and from Sudbury to Yoxall Bridge, and from Hatton Moor to Tutbury, and from Uttoxeter to or near the Village of Draycott-in-the-Clay, and from Hadley Plain on the late Forest or Chase of Needwood to Callingwood Plain on the same late Forest or Chase.

11 G. 4. c. xcix. An Act for amending and improving the Road from Tonbridge to Ightham, and other Roads communicating therewith, in the County of Kent.

1 W. 4. c. i. An Act for more effectually repairing and otherwise improving the Road from Highgate in the County of Middlesex, through Whetstone, to Chipping Barnet in the County of Hertford, and the Road from Chipping Barnet to the Thirteen Mile Stone near Gannick Corner in the Parish of South Mims in the said County of Middlesex.

1 W. 4. c. xi. An Act for repairing the Road from Birmingham to Bromsgrove.

1 W. 4. c. xiii. An Act for more effectually repairing the Road from the Rotherham and Mansfield Turnpike Road, at or near Clown in the County of Derby, to the Worksop and Kelham Turnpike Road at or near Budby in the County of Nottingham.

1 W. 4. c. xiv. An Act for repairing the Watling Street Road, the Mancester and Wolvey Heath Road, and other Roads communicating therewith, in the Counties of Leicester and Warwick.

1 W. 4. c. xviii. An Act for more effectually repairing the Road from Albion Street in the Town of Cheltenham in the County of Gloucester to Bunch Lane in or near the Village of Bishop's Cleeve in the said County, to join the Turnpike Road leading from the Town of Evesham in the County of Worcester to the said Town of Cheltenham.

1 W. 4. c. xxviii. An Act for more effectually amending and widening the Road from a Place near the Village of Milford in the County of Surrey, through Haslemere, to the Forty-third Mile Stone at Carpenter's Heath, and from thence to a Bridge near the Blue Bell Inn, over Houndley's Water, at the Boundary of the said County of Surrey.

1 W. 4. c. xxxii. An Act for more effectually repairing and improving the Road from the City of Norwich to North Walsham in the County of Norfolk.

1 W. 4. c. xxxiii. An Act for more effectually repairing the Road from Stopham Bridge in the Parish of Pulborough to the Direction Post in the Parish of Steyning on the Turnpike Road leading from Steyning to Horsham in the County of Sussex.

1 W. 4. c. xxxv An Act for repairing and maintaining the Road from Wakefield to Aberford in the County of York.

1 W. 4. c. xxxvi. An Act for more effectually repairing and improving the Roads from Lemsford Mills in the Parish of Bishop's Hatfield, through Welwyn and Stevenage, to Hitchin, and from Welwyn, through Codicot, to Hitchin aforesaid, all in the County of Hertford.

1 W 4. c. xxxviii. An Act for more effectually repairing and improving the Road from the Leicester and Welford Road near Foston Lane to the Road leading from Hinckley to Ashby-de-la-Zouch, and for repairing Hunt's Lane and Wood Lane, in the Parishes of Desford and Newbold in the County of Leicester.

An

Turnpike Acts Continuance.

An Act for making and maintaining a Turnpike Road from the City of Coventry to Stoney Stanton in the County of Leicester, to unite with the present Turnpike Road there leading through Narborough to the Borough of Leicester. 1 W. 4. c. xl.

An Act for more effectually repairing and maintaining the Road over Horley Common in the County of Surrey to a Place called Black Corner, and from thence to the Brighthelmston Turnpike Road at Cuckfield in the County of Sussex. 1 W. 4. c. xlii.

An Act for repairing and maintaining the Road leading from the High Road between Bromley and Farnborough in the County of Kent to Beggars Bush in the Turnpike Road leading from Tonbridge Wells to Maresfield in the County of Sussex. 1 W. 4. c. xlv.

An Act for maintaining and improving the Road from Titchfield to Cosham in the County of Southampton. 1 W. 4. c. lxi.

An Act for more effectually repairing and improving the Roads called "The Pucklechurch or Lower District of Roads," in the Counties of Gloucester and Wilts. 1 W. 4. c. lxii.

An Act for repairing the Turnpike Road from the Salutation Inn to Christian Malford Bridge in the County of Wilts, called The Draycot or Upper District; and for disuniting the said Road from a certain other Road called The Pucklechurch Lower District, in the County of Gloucester. 1 W. 4. c. lxiii.

An Act for more effectually repairing several Roads in or near the Town of Bruton and other Roads in the Counties of Somerset and Wilts, and for making and maintaining Two other Roads communicating therewith. 1 W. 4. c. lxvi.

An Act for more effectually repairing and improving the Roads from Tunbridge Wells in the County of Kent to the Cross Ways at or near Maresfield Street, and from Florence Farm to Forest Row in the County of Sussex. 1 W. 4. c. lxx.

An Act for making a Turnpike Road (with a Branch therefrom) from the Angel Inn near Darlington in the County of Durham to Barton Lane End in the County of York. 1 & 2 W. 4. c. xiii.

An Act for more effectually repairing and improving several Roads leading into and from the Town of Cheltenham in the County of Gloucester, and for making new Branches of Roads to communicate therewith. 1 & 2 W. 4. c. xvi.

An Act for more effectually repairing and otherwise improving the several Roads from the South Gate in the Borough of King's Lynn into the Parishes of East Walton, Narborough, Stoke Ferry, and Downham Market, in the County of Norfolk. 1 & 2 W. 4. c. xx.

An Act for consolidating the Trusts of certain Roads called the Breamish and Wooler Turnpike Roads in the County of Northumberland, and for more effectually improving and maintaining the same. 1 & 2 W. 4. c. xxiii.

An Act for more effectually maintaining and improving the Road from Soho Hill in the Parish of Handsworth to the Walsall Road on the Northern Side of Hamstead Bridge, and another Road from Brown's Green to the Friary, in the County of Stafford. 1 & 2 W. 4. c. xxiv.

An

Turnpike Acts Continuance.

1 & 2 W. 4. c. xxvi. An Act for more effectually repairing certain Roads leading to and from the Town of Abergavenny in the County of Monmouth, and for making and maintaining several new Branches of Road to communicate therewith.

1 & 2 W. 4. c. xxvii. An Act for making and maintaining a Road from the Bottom of Kirkgate to the Bottom of Westgate, both in the Parish of Wakefield in the West Riding of the County of York.

1 & 2 W. 4. c. xxx. An Act to continue and amend an Act of the Fifth Year of His late Majesty, for repairing the Roads from Durweston Bridge to Caundle Bishop, and other Roads, in the Counties of Dorset and Somerset, so far as relates to the Vale of Blackmoor Turnpike Roads.

1 & 2 W. 4. c. xl. An Act for improving and maintaining the Road from the South Side of a Bridge over the River Colne, called Engine Bridge, in the Township of Huddersfield in the West Riding of the County of York, to Woodhead in the County Palatine of Chester, and from thence to a Bridge over the River Mersey, called Enterclough Bridge, on the Confines of the County of Derby.

1 & 2 W. 4. c. xli. An Act for more effectually repairing and improving certain Roads leading to and from the Town of Cirencester in the County of Gloucester, and Wootton Bassett in the County of Wilts.

1 & 2 W. 4. c. xliii. An Act for repairing the Road from the Town of Wisbech in the Isle of Ely in the County of Cambridge to the Town of Thorney in the same Isle and County.

1 & 2 W. 4. c. lxxii. An Act for more effectually repairing the Road from North Shields in the County of Northumberland to the Town of Newcastle-upon-Tyne, and certain Branches communicating therewith; and also for making and repairing additional Branches of Road.

6 W. 4. c. lxxxiv. An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King George the Fourth, for more effectually repairing and improving the several Roads leading to and from the Towns of Newton Bushell, South Bovey, and Moretonhampstead, in the County of Devon.

13 & 14 Vict. c. lxxxv. An Act for repairing the Road leading from a certain Point in the Kennington Road in the Parish of Saint Mary Lambeth in the County of Surrey to Highgate in the County of Sussex, and thence to Witchcross in the same County, and several other Roads therein mentioned

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXXIII.

An Act for continuing the Copyhold, Inclosure, and Tithe Commission, and entitling the Commissioners to Superannuation Allowance.

[7th *August* 1862.]

WHEREAS in the Year One thousand eight hundred and thirty-six certain Persons were appointed Commissioners for the Purposes of carrying into effect the Act for the Commutation of Tithes in *England* and *Wales*, under the Title of "The Tithe Commissioners for *England* and *Wales*:" And whereas in the Year One thousand eight hundred and forty-one, by the Act of the Session of the Fifth and Sixth Years of Her present Majesty, Chapter Thirty-five, herein-after referred to as "the Copyhold Act," the Tithe Commissioners for the Time being were appointed Copyhold Commissioners for the Purposes of that Act; and it was thereby provided, that if the Duties of the Tithe Commissioners ceased before the Copyhold Act was fully carried into execution, it should be lawful for One of Her Majesty's Principal Secretaries of State to appoint any Number of fit Persons, not exceeding Three, to be Copyhold Commissioners: And whereas in the Year One thousand eight hundred and forty-five Provision was made for the Appointment of Two Persons who, with the First Commissioner of Her

Majesty's Woods, Forests, Land Revenues, Works, and Buildings, were to be the Commissioners for carrying that Act into execution, under the Style of the Inclosure Commissioners for *England* and *Wales:* And whereas in the Year One thousand eight hundred and fifty-one, by the Act of the Session holden in the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Fifty-three, intituled *An Act to consolidate and continue the Copyhold and Inclosure Commissioners, and to provide for the Completion of Proceedings under the Tithe Commutation Acts*, the Powers of Appointment of Commissioners and other Officers contained in the Copyhold Act were continued for a limited Time, and the Commissioners appointed thereunder were continued, but it was provided that all the Duties of the Inclosure Commissioners and all the unperformed Duties of the Tithe Commissioners should be performed by the Commissioners continued or appointed as aforesaid: And whereas, by certain Acts, and ultimately by an Act of the Session holden in the Twenty-third and Twenty-fourth Years of Her present Majesty, Chapter Eighty-one, the said Powers of appointing Commissioners and other Officers have been continued, and the Period limited for holding Office by the Commissioners and other Officers appointed aforesaid has been extended until the First Day of *August* One thousand eight hundred and sixty-one and thenceforth until the End of the next Session of Parliament: And whereas, under the above Acts and divers other Acts of Parliament, and in particular by the Land Drainage Act, One thousand eight hundred and sixty-one, divers Powers of a permanent Character relating to Drainage and the Management and Improvement of Estates have been imposed on the Commissioners continued or appointed as aforesaid: And whereas, notwithstanding the Length of Time that the said Commissioners have been established, the said Commissioners, including the resident Assistant Commissioner in charge of the Survey Department, are not deemed to be in the permanent Civil Service of the State, and consequently are not entitled to Superannuation Allowance in pursuance of "The Superannuation Act, 1859:" And whereas it is expedient that the Powers of Appointment contained in the Copyhold Act should be continued, and the Period limited by the said Act and the Acts for amending the same for the Tenure of Office by the Commissioners should be extended in manner herein mentioned, and that the said Commissioners, including such resident Assistant Commissioner as aforesaid, should be deemed to be entitled to Superannuation Allowance: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. So

Copyhold, &c. Commission.

1. So much of the Copyhold Act as authorizes the Appointment of Commissioners and other Officers as therein mentioned shall be continued until the First Day of *August* One thousand eight hundred and sixty-seven, and thenceforth until the End of the then next Session of Parliament, and the Period limited for the holding of Office by the Commissioners and such other Officers as aforesaid shall in like Manner be extended until the First Day of *August* One thousand eight hundred and sixty-seven, and thenceforth until the End of the next Session of Parliament. Continuation of Power of Appointment.

2. The Commissioners acting in execution of the several Acts herein-before mentioned, including such resident Assistant Commissioner as aforesaid, shall, for the Purposes of the Superannuation Act, 1859, be deemed to have served in the permanent Civil Service of the State, and to have held their respective Appointments directly from the Crown. Superannuation of Officers.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the "Public Offices Extension Act of 1859," by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act. [7th *August* 1862.]

WHEREAS the Three Pieces of Ground described in the First Schedule to this Act, and colored Blue on the Plan herein-after mentioned, and marked A, B, and C in the same Schedule and Plan, have been acquired by and are now vested in the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the Act of the Twenty-second Year of Her Majesty, Chapter Nineteen, (called the Public Offices Extension Act, 1859,) under and by virtue of the following Acts; (namely,) the Piece of Ground marked A, under the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-three (called the Supplemental Public Offices Extension Act, 1861); the Piece of Ground marked B, under the Act of the Fifteenth and Sixteenth

Years of Her Majesty, Chapter Twenty-eight; and the Piece of Ground marked C, under the said Public Offices Extension Act, 1859, and the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Eighty-eight: And whereas the Three Pieces of Ground described in the Second Schedule to this Act and colored Red in the said Plan herein-after mentioned, and marked D, E, and F in the same Schedule and Plan, form Part of *St. James's Park:* And whereas it has been found that the Pieces of Ground described in the said First Schedule will not be required for the Purposes of the said Public Offices Extension Act, 1859, and that the Pieces of Ground described in the said Second Schedule will be required for the Purposes thereof, and it is therefore expedient that an Exchange of the Pieces of Ground comprised in the said Two Schedules respectively should be effected as herein-after mentioned: And whereas a Plan describing the Ground comprised in the said First and Second Schedules wherein the Ground comprised in the said First Schedule is colored Blue as aforesaid, and the Ground comprised in the said Second Schedule is colored Red as aforesaid, has been prepared by or under the Direction of the Commissioners of Her Majesty's Works and Public Buildings: And whereas the Ground marked A was Part of the Lands belonging to Her Majesty in right of Her Crown, particularly mentioned in the said Supplemental Offices Extension Act, 1861; and the Sum of Two thousand four hundred and seventy Pounds, in the same Act stated to be the ascertained Value of such Lands, has been paid by the said Commissioners of Her Majesty's Works and Public Buildings to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, for the Purchase of the said Lands belonging to Her Majesty as by the said last-mentioned Act is directed: And whereas the said Commissioners of Her Majesty's Works and Public Buildings have also paid the full Value for the said Piece of Ground marked B, but no Money Consideration has been or was to be paid for the Purchase of the said Piece of Ground marked C, the same being Part of *St. James's Park:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Plan to be deposited in Offices of Works, &c.

1. Copies of the said Plan describing the Ground to be given up by, and the Ground to be acquired by the said Commissioners of Her Majesty's

Majesty's Works and Public Buildings under the Authority of this Act, shall be signed by the Commissioners for executing the Office of Lord High Treasurer, and shall be deposited in the Office of the Commissioners of Her Majesty's Works and Public Buildings, and in the Office of Land Revenue Records and Enrolments; and all Persons shall be at liberty at all seasonable Times to inspect the Copy of the said Plan deposited in the said Offices, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Land, &c. in First Schedule and colored Blue vested in Her Majesty.

Land, &c. in Second Schedule and colored Red vested in the Commissioners of Works, &c.

2. Immediately on the passing of this Act all the said Ground and Hereditaments described in the said First Schedule to this Act, and colored Blue in the said Plan, shall become and be vested in Her Majesty, Her Heirs and Successors, as Part and Parcel of *St. James's Park*, for all the Estate and Interest therein of the said Commissioners of Her Majesty's Works and Public Buildings; and all the Ground and Hereditaments described in the said Second Schedule to this Act, and colored Red in the said Plan, shall become and be vested in the said Commissioners of Her Majesty's Works and Public Buildings, their Successors and Assigns, as incorporated by and for the Purposes of the said Public Offices Extension Act, 1859, for all the Estate and Interest therein of Her Majesty.

Provision as to Compensation provided by 24 & 25 Vict. c. 88. repealed as far as relates to Property herein named.

3. Whereas by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Eighty-eight, after providing for the Transfer to the said Commissioners of Her Majesty's Works and Public Buildings of the Piece of Land forming Part of *St. James's Park* therein mentioned, and which included the said Piece of Ground marked C in the said First Schedule hereto, it was enacted, that Compensation should be made to the Land Revenues of the Crown in respect of the said Transfer in manner following, (namely,) whenever the annual Produce of the said Revenues should cease to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and should be retained by the Crown as Part of its Hereditary Revenues, the Value of the Premises thereby transferred, exclusive of the Value of any Buildings erected thereon, should be determined by Arbitration, and the Amount of such Value, when determined, should be deducted from the Amount for the Time being chargeable upon the said Revenues in respect of Advances made out of the Consolidated Fund, or, if there should be no such Amount then chargeable, should be paid to the Account of the

the said Revenues: Be it enacted, That the said Provision for Compensation shall be repealed so far as relates to the said Piece of Ground marked C, and in lieu thereof shall be applicable to the Piece of Ground marked F, it being intended that, as regards the Pieces of Ground marked D and E, no such Compensation shall be payable, the same being considered as given in exchange for the said Pieces of Ground marked A and B, which were not Parts of the said *St. James's Park.*

Saving Rights as to Parishes of Saint Margaret and Saint John.

4. Nothing herein contained shall vary or affect the Provisions of the Forty-eighth Section of the said Public Offices Extension Act, 1859, as altered by the Fifth Section of the said Supplemental Public Offices Extension Act, 1861, relating to the Contribution of the Commissioners towards the Rates of the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, either as regards the maximum Sum payable by the Commissioners, or as regards the annual Amount with reference to which the Deficiencies in the Rates are to be calculated and ascertained.

Public Offices Extension Act and this Act to be construed as One.

5. The said Public Offices Extension Act, 1859, shall be read and construed to all Intents and Purposes whatsoever (except as expressly varied by this Act) as if the Land and Hereditaments comprised in the said Second Schedule to this Act were comprised in the Schedule to the said Public Offices Extension Act, 1859.

Limitation of Actions

6. Whereas by the Fifty-third Section of the said Public Offices Extension Act, 1859, it is provided that in every Action or Suit brought or prosecuted for anything done in pursuance thereof as therein mentioned, the Defendant shall and may, at his Election, plead specially, or plead the General Issue, and give the said Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act: Be it enacted and declared, That in case any Defendant shall plead the General Issue as aforesaid in any Action or Suit relating to the Land and Hereditaments comprised in the said Second Schedule hereto or any Part thereof, or to anything done in respect thereof, he may in like Manner give the special Matter in Evidence, and that the same was done in pursuance and by the Authority of the said Public Offices Extension Act, 1859, and of this Act.

7. Saving

Public Offices Extension.

7. Saving and reserving always to all Persons and Bodies Politic or Corporate soever, excepting the Queen's Majesty, Her Heirs and Successors, and the Commissioners of Her Majesty's Works and Public Buildings, all such Right, Title, Interest, Claim, and Demand whatsoever (if any), in, to, or out of the said Ground and Hereditaments comprised in the Schedules to this Act, or any Part thereof, as they or any of them could or might have lawfully claimed in case this Act had not been passed. General Saving.

The FIRST SCHEDULE.

A. A Strip of Land containing One thousand four hundred and sixty Superficial Feet or thereabouts, forming Part of the Gardens of Nos. 13, 14, 15 and 16, Duke Street, Westminster.

B. A triangular Piece of Ground forming the North-west Corner of the late State Paper Office, containing One hundred and sixty Superficial Feet or thereabouts.

C. A Strip of Land Part of the South Parade and enclosed Lawn in Saint James's Park, containing Three thousand four hundred and fourteen Superficial Feet or thereabouts.

The SECOND SCHEDULE.

D. A Strip of Ground on the West Side of the late State Paper Office, containing Four hundred and sixty Superficial Feet or thereabouts.

E. A Strip of Ground on the North Side of the late State Paper Office, containing One thousand and sixty-seven Superficial Feet or thereabouts.

F. A Strip of Ground Part of the South Parade and enclosed Lawn in St. James's Park, containing Two thousand five hundred and five Superficial Feet or thereabouts.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXXV.

An Act to revive and continue an Act for amending the Laws relating to Savings Banks in *Ireland*. [7th *August* 1862.]

WHEREAS an Act was passed in the Session held in the Twenty-second Year of Her Majesty, intituled *An Act to continue an Act of the Eleventh and Twelfth Years of Her present Majesty, for amending the Laws relating to Savings Banks in* Ireland, which last-mentioned Act was limited to continue until the First Day of *January* One thousand eight hundred and sixty-one, and until the End of the then next ensuing Session of Parliament: And whereas it is expedient that the said Act of the Eleventh and Twelfth Years of Her present Majesty should be revived and continued for a limited Time: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 22 Vict. c. 17.

1. That the said Act of the Eleventh and Twelfth Years of Her Majesty shall continue in force until the First Day of *January* One thousand eight hundred and sixty-five, and until the End of the then next ensuing Session of Parliament, and this Act shall be deemed and taken to have Effect with respect to the said last-mentioned Act from the Expiration of the Time limited for the Recited Act revived and continued.

Continuance of the said Act, as fully and effectually, to all Intents and Purposes, as if this Act had actually passed before the Expiration of the Time so limited.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. LXXVI.

An Act to amend "The Weights and Measures (*Ireland*) Act, 1860;" to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold, in *Ireland*.

[7th *August* 1862.]

WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, intituled *An Act to amend the Law relating to Weights and Measures in* Ireland: And whereas it is expedient that the said Act should be amended in the Manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 119.

PART I.

1. This Act shall commence and take effect on the First Day of *January* One thousand eight hundred and sixty-three. Commencement of Act.

2. This Act may for all Purposes be cited as "The Weights and Measures (*Ireland*) Amendment Act, 1862." Short Title.

3. The Fourth, Fifth, Sixth, Seventh, Ninth, Eleventh, Twelfth, Thirteenth, and Fourteenth Sections of the said recited Act (except so Certain Sections of recited Act repealed.

so much of the said Fourth Section as repeals the Eighteenth Section of "The Summary Jurisdiction (*Ireland*) Act, 1851,") shall be and are hereby repealed: Provided always, that, notwithstanding such Repeal of the said Eleventh and Twelfth Sections, all such Expenses as are mentioned in the said Sections respectively which shall have been incurred, and shall not have been paid before the Commencement of this Act, shall be presented, raised, and levied in the Manner directed by the said Sections respectively.

This Act incorporated with recited Act.

4. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Certain Head and other Constables to be ex officio Inspectors of Weights and Measures.

5. From and after the Commencement of this Act, such Head or other Constables only in each Petty Sessions District as shall be selected under this Act by the Inspector General of Constabulary in *Ireland*, with the Approval of the Lord Lieutenant, shall be *ex-officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, and be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties, which any Inspector of Weights and Measures heretofore possessed or exercised or had been liable to under and by virtue of the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, or any other Act now in force, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any Manorial Jurisdiction or Claim of Jurisdiction within such District: Provided that if within One Month from the Date of such Selection the Justices shall signify their Disapproval of the Selection of any Head or other Constable, another Selection shall be made by the same Authority, subject to the same Conditions, and the Inspector General of Constabulary shall give Notice, or cause Notice to be given, to the Clerk of the Petty Sessions District, within Three Days of any such Selection having been made in his District, who shall immediately make known the said Selection to the Justices of the District.

Inspector General to appoint One Officer in each County or Borough to have Custody of Imperial Standards, who shall also stamp Sub-Standards.

6. The Inspector General of Constabulary shall, with the Approval of the Lord Lieutenant, also appoint some Sub-Inspector of Constabulary in every County or Borough in *Ireland* to have the Charge of such Copy or Copies of the Imperial Standard Weights and Measures as shall have been provided for such County or Borough under the Provisions of the said first-recited Act, or may be so provided under this Act; and such Sub-Inspector shall duly stamp or cause to be duly stamped from Time to Time such Sub-Standard Weights and Measures as may be transmitted to him for such Purpose; and any Inspector of Weights and Measures in any such County

County or Borough in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been deposited, under the Provisions of the said first-recited Act, shall, within One Calendar Month after the Commencement of this Act, transmit the same to the Sub-Inspector appointed to have the Custody of the same, under the Provisions of this Act, subject to a Penalty for Neglect or Refusal not exceeding Ten Pounds.

Grand Jury and Town Council to provide One Set of Copies of Imperial Standards for each County or Borough, and also as many Sub-Standards as may be necessary.

7. It shall be lawful for the Grand Jury of each County and the Town Council of each Borough and they are hereby required to provide One complete Set of Copies of the Imperial Standard Weights and Measures for each such County or Borough respectively, where the same has not been already provided, and to have the same from Time to Time duly compared and re-verified in the Manner required by the Fifteenth Section of the said first-recited Act, and also to provide for each such County or Borough respectively as many Copies in Iron or other sufficient Material of the County Copies of the Imperial Standard Weights and Measures, and such accurate Beams and Scales, as shall be necessary for such County or Borough respectively; and such Inspector General may direct that such Copies shall be duly stamped by the Sub-Inspector of Constabulary in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been placed, as herein-before mentioned, and the said last-mentioned Copies shall be called "The Sub-Standard Weights and Measures;" and such Grand Jury and Town Council shall also provide such good and sufficient Stamps for stamping or sealing Weights and Measures used or to be used in such County or Borough respectively as they shall consider to be necessary for such Purpose: Provided always, that not less than One Set of "The Sub-Standard Weights and Measures," and One Set of accurate Beams and Scales, shall be provided for each Petty Sessions District in any County, and not less than Two such Sets shall be provided for any Borough.

Ex-officio Inspectors of Weights and Measures may enter Shops, &c. to inspect Beams, &c.

8. It shall be lawful for every *ex-officio* Inspector of Weights and Measures, in addition to the Powers given to such Inspectors by the said first-recited Act, at all reasonable Times to enter into any Shop, Store, Warehouse, Yard, or Place within his Jurisdiction where Goods shall be purchased or exposed or kept for Sale, and there to inspect all Beams, Scales, Balances, and Weights and Measures, in the Possession of any Person purchasing, selling, offering, or exposing for Sale any Goods; and if upon such Inspection or Examination any such Beams, Scales, or Balances, or Weights or Measures, shall be found light or unjust, or otherwise contrary to the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth

Fourth or this Act, or if any Fraud shall be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding Five Pounds as shall be adjudged by any Justice or Justices before whom any such Conviction shall take place.

Judge of Assize to order Copies of Standards, &c., in Counties in Ireland when it has not been done by Grand Juries.

9. The Judge of Assize before the Close of the Assizes which shall be held for any County in *Ireland* next after the Commencement of this Act, and at the first Assizes which shall be held in every succeeding Year, shall inquire of the Foreman of the Grand Jury whether One complete Set of such Copies of the Imperial Standard Weights and Measures and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and County Stamps, have been provided in such County; and in every Case in which it shall appear to such Judge, upon due Inquiry, that One Set at least of such Copies, and a sufficient Number of Sub-Standard Copies, Beams, Scales, and County Stamps, have not been so provided, such Judge shall forthwith order the Treasurer of the County to provide One complete Set of such Copies of the Imperial Weights and Measures, and such Number of Sub-Standard Weights and Measures, Beams and Scales, and County Stamps, as shall, subject to the Provisions herein-before contained, appear to such Judge to be sufficient for such County for the Purposes of this Act; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure the same; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds.

Chairman of Quarter Sessions to order Copies of Standard Weights and Measures in Boroughs within the County, in case it has not been done by Town Council.

10. The Chairman of Quarter Sessions for each County in *Ireland* at the Quarter Sessions of the Peace which shall be held for such County next after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and sixty-three, and at such Quarter Sessions in every succeeding Year, shall inquire whether One complete Set of such Copies of the Imperial Standard Weights and Measures, and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and Borough Stamps, have been provided in each Borough within such County; and in every Case in which it shall appear to such Chairman, upon due Inquiry, that One Set at least of such Copies, and a sufficient Number of Sub-Standard Copies, Beams, Scales, and Borough Stamps, have not been so provided, such Chairman of Quarter Sessions shall forthwith order the Town Clerk or other proper Officer of such Borough to provide One complete Set of such Copies

Copies of the Imperial Standard Weights and Measures, and also such Number of Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as such Chairman shall think sufficient; and every such Order shall have the Effect of an Order of the Town Council of such Borough to raise such Amount by way of Rate in such Borough as may be necessary to procure a complete Set of such Copies of the Imperial Standard Weights and Measures, and also such Number of Copies of the Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as shall, subject to the Provisions herein-before contained, appear to such Chairman of Quarter Sessions to be sufficient, and as he shall direct; and such Town Clerk or other Officer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds: Provided always, that in any Borough in which no Rate is levied, and which Borough is liable to the Payment of County Cess, the Expenses incurred under the said recited Act or this Act shall be defrayed by the County in which the said Borough or the greater Part thereof is situate.

PART II.

Denominations of Weight and Mode of Weighing.

And whereas, it is expedient to abolish all local and customary Denominations of Weight, and to prohibit improper Deductions in weighing, and otherwise to regulate the Mode of weighing Articles sold: Be it therefore enacted as follows:

11. The Provisions of this Part of this Act shall extend and apply throughout *Ireland* to all Contracts, Bargains, Sales, and Dealings, save as herein-after excepted.

Extent of Part II.

12. Every Contract, Bargain, Sale, or Dealing—

For any Quantity of Corn, Grain, Pulses, Potatoes, Hay, Straw, Flax, Roots, Carcases of Beef or Mutton, Butter, Wool, or dead Pigs, sold, delivered, or agreed for;

Or for any Quantity of any other Commodity sold, delivered, or agreed for by Weight (not being a Commodity which may by Law be sold by Troy Weight or by Apothecaries Weight),

shall be made or had by One of the following Denominations of Imperial Standard Weight; namely,

The Ounce Avoirdupois;

The Pound Avoirdupois of Sixteen Ounces;

The Stone of Fourteen Pounds;

The Quarter Hundred of Twenty-eight Pounds;

The Half Hundred of Fifty-six Pounds;

Contracts to be made by Denominations of Imperial Weight, otherwise to be void.

The Hundredweight of One hundred and twelve Pounds;

Or the Ton of Twenty Hundredweight,

and not by any local or customary Denomination of Weight whatsoever, otherwise such Contract, Bargain, Sale, or Dealing shall be void: Provided always, that nothing in the present Section shall be deemed to prevent the Use, in any Contract, Bargain, Sale, or Dealing, of the Denomination of the Quarter, Half, or other aliquot Part of the Ounce, Pound, or other Denomination aforesaid, or shall be deemed to extend to any Contract, Bargain, Sale, or Dealing relating to standing or growing Crops.

Mode of weighing. Deductions prohibited.

13. Every Article sold by Weight shall, if weighed, be weighed in full net standing Beam; and for the Purposes of every Contract, Bargain, Sale, or Dealing, the Weight so ascertained shall be deemed the true Weight of the Article, and no Deduction or Allowance for Tret or Beamage, or on any other Account, or under any other Name whatsoever, the Weight of any Sack, Bag, Cask, Firkin, or other Covering in which such Article may be alone excepted, shall be claimed or made by any Purchaser on any Pretext whatever, under a Penalty of not exceeding Five Pounds.

PART III.

Prevention of Frauds.

Penalty on counterfeiting of Brand.

14. If any Person commit any of the following Offences he shall for each Offence be liable to a Penalty not exceeding Five Pounds:

(1.) If he, with Intent to defraud, counterfeit or procure to be counterfeited any Brand or Stamp used by or under the Authority of the Owner or Lessee of a Market or Fair, or of any Person having by Law the Control of a Market or Fair, to denote the Weight, Measure, or Quality of any Article sold in the Market or Fair, or within the prescribed Limits, during the holding of the Market or Fair, or of any Cask, Firkin, or other Vessel, Covering, or Thing in which such Article is sold, or the Impression of any such Brand or Stamp:

(2.) Or, with the like Intent, use or procure to be used any such counterfeit Brand or Stamp or Impression:

(3.) Or, with the like Intent, alter an Impression of any such genuine Brand or Stamp:

(4.) Or, with the like Intent, have in his Possession anything having thereon an Impression of any such counterfeit Brand or Stamp, or a fraudulently altered Impression of any such genuine Brand or Stamp:

(5.) Or,

(5.) Or, with the like Intent, transfer or apply any Cask, Firkin, or other Vessel, Covering, or Thing, having thereon an Impression of any such genuine Brand or Stamp, to any Article other than that for denoting the Weight, Measure, or Quality whereof such Impression was made on such Cask, Firkin, or other Vessel, Covering, or Thing; or in any other Manner alter the *bonâ fide* Application of an Impression of any such genuine Brand or Stamp:

(6.) Or knowingly weigh or cause to be weighed, contrary to the Provisions of this Act, or act or assist in committing or connive at any Fraud respecting the weighing or the Weight or Measure of any such Article as in Part II. of this Act is mentioned:

(7.) Or, with Intent to defraud, alter any Ticket specifying the Weight of any such Article:

(8.) Or, with Intent to defraud, make or use, or be privy to the making or using, of any such Ticket, falsely stating the Weight of any such Article, or of any Covering, Cart, or Load:

(9.) Or shall dispose of, sell, or cause to be sold any Weight or Measure having a false or counterfeit Stamp, or a Stamp purporting to resemble a genuine Stamp.

Penalty for fraudulently increasing Weight of Butter in Casks.

15. If any Person shall wilfully pack up or mix, or cause to be packed up or mixed, with or in any Butter contained in any Firkin or Cask, any Salt, Pickle, or other Substance, with Intent to increase the Weight of such Butter, and shall bring or send any Butter so packed or mixed to any Market for Sale, he shall be liable to pay a Fine not exceeding Forty Shillings, or be imprisoned for any Period not exceeding One Month, as the Justice or Justices shall determine.

Penalty for fraudulently increasing Weight of Fleeces.

16. If any Person shall wind or cause to be wound in any Fleece any Wool not being sufficiently rivered or washed, or wind or cause to be wound within any Fleeces any deceitful Locks, Cots, Skin, or Lamb's Wool, or any Substance, Matter, or Thing whereby the Fleece may be rendered more weighty, to the Deceit and Loss of the Buyer, such Person shall be liable to a Penalty of Two Shillings for every Fleece so fraudulently made up.

PART IV.

General Provisions.

Penalties how recoverable.

17. Any Penalty recoverable under the Provisions of this Act shall be recoverable in a summary Way, with respect to the Police District

District of *Dublin* Metropolis, subject and according to the Provisions of any Act regulating the Powers and Duties of Justices of the Peace for such District, or of the Police of such District, and with respect to other Parts of *Ireland*, before a Justice or Justices of the Peace sitting in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same.

14 & 15 Vict. c. 93.

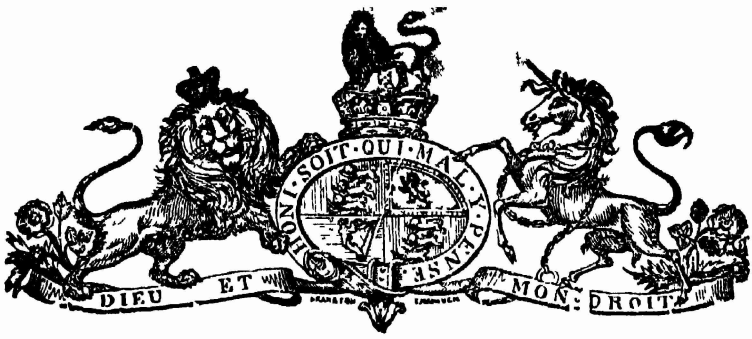
Limitation of Proceedings for Penalties.

18. No Penalty imposed by Part Two or Part Three of this Act shall be recovered unless Proceedings for Recovery thereof are commenced within Three Months next after the Commission of the alleged Offence, or in case of a continuing Offence within Three Months after the alleged Offence has ceased to be committed.

Nothing to prevent Persons being indicted for Offences.

19. Nothing in this Act shall be taken to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act or otherwise to any other or higher Penalty or Punishment than is provided for any Offence by this Act, but so that no Person be punished twice for the same Offence.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXXVII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[7th *August* 1862.]

WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

1. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns or preparing or making out Lists of such Militia, or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and sixty-three.

Proceedings may be had during such Suspension by Order in Council.

2. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up

Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Periods specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

So long as Lists are suspended, not necessary to transmit Extracts, &c. as required by Sect. 3. of 7 G. 4. c. 58.

3. So long as the making of Lists and the Ballots for the Militia of *Great Britain* are suspended it shall not be necessary for the Clerks of General Meetings of the several Counties therein to transmit to the Clerks of the Subdivision Meetings, or to the Secretary at War, the Extracts and Abstracts mentioned and referred to in Section Three of Seventh *George* the Fourth, Chapter Fifty-eight.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

4. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

***

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Sum of 1,200,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned.

1. Towards defraying the Expenses herein-after mentioned any Sum or Sums, not exceeding in the whole the Sum of One million two hundred thousand Pounds, shall be issued and applied out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly.

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

2. Such Sum or Sums as may be issued out of the Consolidated Fund or the growing Produce thereof, as aforesaid, shall be applied, as mentioned in the Schedule to this Act, towards defraying the Expenses incurred or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom (including the Naval Establishment at *Haulbowline*), and the Fortifications at *Dover* and *Portland*, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly: Provided always, that it shall not be lawful to apply any of such Sums to any Work not specifically named in the Schedule, nor to apply to any Work any greater Sum than that which is set down in the Schedule as the total estimated Cost of the Work, nor for Her Majesty's Principal Secretary of State for the War Department to enter into any Contract involving the Expenditure in any District of a greater Sum than is hereby and by the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter One hundred and nine, authorized to be expended during the Period ending on the First Day of *August* One thousand eight hundred and sixty-three, without inserting in such Contract a Condition that the same shall not be binding on the said Principal Secretary until it has lain for One Month upon the Table of the House of Commons without Disapproval; and the said Contract shall have no Force or Validity until it shall have lain for One Month upon the Table of the House of Commons without Disapproval, unless previous to the Lapse of that Period such Contract shall have been approved by a Resolution of the said House.

Treasury to raise 1,200,000*l.* by creating Annuities for a Term

3. To provide for the Issues to be made out of the Consolidated Fund or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for

for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing this Act, to raise any Sum or Sums not exceeding in the whole the Sum of One million two hundred thousand Pounds, as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of One million two hundred thousand Pounds, it shall be lawful for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of Thirty Years as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the Fifth Day of *April* and the Tenth Day of *October*.

not exceeding Thirty Years.

4. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of One million two hundred thousand Pounds, or of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their respective Executors or Administrators, Successors or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or proportional Amounts thereof shall be placed in the Books of the Bank of *England* to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the first half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.* and Terms of Payment of Subscriptions.

5. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay

Power to Guardians, &c. to subscribe for Infants.

pay for or towards advancing any Part of any Sum to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee, as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Time at which Annuities may be transferred.

6. All Deposits, Instalments, and Sums to be paid by the Contributors, their Executors or Administrators, Successors or Assigns, in respect of any Portion of the said Sum of One million two hundred thousand Pounds, shall be paid to the Cashier or Cashiers of the Governor and Company of the Bank of *England;* and as soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the required Deposit, have made due Payment of any subsequent Instalment payable by them respectively on the Days appointed by the said Commissioners of the Treasury towards a Sum raised under this Act, such Contributors may have a proportional Amount of the Annuities to which they may be entitled in respect of such Instalment forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns, and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Annuities placed to their respective Credits corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of *England* (in such Manner as is herein-after directed); and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after Notice from the Commissioners of the Treasury for the Purpose, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Annuities to which they will be entitled under this Act.

Contributors may anticipate Payments.

7. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the Instalments appointed by the Commissioners of the Treasury, or any of them, shall be entitled to have

have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

8. All the Annuities created under this Act shall be payable and paid and be transferable at the Bank of *England*.

Annuities payable, &c. at the Bank.

9. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending the same, and all the said Annuities shall be charged and chargeable upon and are hereby charged upon and made payable out of the said Consolidated Fund.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund.

10. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of *England* and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

11. The

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

11. The Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of One million two hundred thousand Pounds shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned all the Monies which he or they shall hereafter receive from Time to Time of and for any Portion of the said Sum of One million two hundred thousand Pounds, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Monies as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

12. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said Sum of One million two hundred thousand Pounds, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

13. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of One million two hundred thousand Pounds, which may be raised under this Act, shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

14. In

14. In case any such Contributors to any Portion of the Sum of One million two hundred thousand Pounds which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

Subscriptions paid in part, and not completed, forfeited.

15. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise.

Annuities to be deemed Personal Estate.

16. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

Transfers not liable to Stamp Duties.

17. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of One million two hundred thousand Pounds, to contract and provide that all or any of the terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth Years

Power to Treasury to add Annuities created under this Act to Stock of existing terminable Annuities of like Duration.

Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any terminable Annuities transferable at the Bank of *England* and charged on the Consolidated Fund by the Authority of Parliament, for the same Term for the Time being unexpired, and payable on the same half-yearly Days as the Annuities which they may contract to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

Allowance to Bank of England for the Expense of Management.

18. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Six hundred Pounds for the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Fortifications, &c. to be executed under the Direction of the Secretary for War.

19. The Fortifications, Works, and Central Arsenal, the Expenses of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

Accounts to be laid before Parliament.

20. The Commissioners of Her Majesty's Treasury shall in the Month of *April* in the Year One thousand eight hundred and sixty-three, and in every subsequent Year in which any Part of the said Sum of One million two hundred thousand Pounds shall be issued from the Consolidated Fund or raised by Annuities under this Act, cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of One million two hundred thousand Pounds charged on that Fund under this Act up to the First Day of *April*, specially showing the Works or Purposes for or in respect of which the Monies may have been applied, and showing the Amount, if any, which may remain to be raised of the said Sum of One million two hundred thousand Pounds authorized to be raised under this Act, and the Amount, if any, remaining

ing to be issued or applied of the said Sum of One million two hundred thousand Pounds charged on the said Consolidated Fund; and every such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

21. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England* or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Discretion of the Court, be liable to be kept in Penal Servitude for any Term not less than Three Years, or to be imprisoned, with or without Hard Labour, or with or without Solitary Confinement, for any Term not exceeding Two Years.

Bank to continue a Corporation till the Annuities hereby granted cease.

22. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

SCHEDULE.

1. Station	2. District.	3. Name of Work	4. Estimated Cost of Works and Lands.	5. Estimated Expenditure upon the Works and Lands to 31 July 1862.	6. Amount proposed for Works 1862–3.	7. Further Amount required to complete the Works.
			£	£	£	£
Portsmouth -	Spithead -	Horse Sand Fort - -	260,000	15,000	18,000	823,000
		No Man's Land - -	290,000			
		Sturbridge - - -	306,000			
	Needles -	Needles Battery - -	7,000	6,000	1,000	—
		Hatherwood - -	4,000	- - -	- - -	4,000
		Warden Point - -	9,000	2,000	7,000	—
		Cliff End - - -	30,000	2,500	12,000	15,500
		Golden Hill - -	30,000	- - -	8,000	22,000
		Hurst Castle - -	108,000	13,000	25,000	70,000
	Isle of Wight	Puckpool and St. Helen's Batteries.	87,000	- - -	12,000	75,000
		Sandown Bay Defences -	95,000	25,000	40,000	30,000
		Military Road, and Posts for Defence of South West Coast	35,000	- - -	5,000	30,000
	Portsdown -	Fort Wallington - -	75,000	10,000	20,000	45,000
		Fort Nelson - - -	75,000	10,000	20,000	45,000
		Fort Southwick - -	85,000	10,000	20,000	55,000
		Fort Widley - - -	75,000	10,000	20,000	45,000
		Fort Purbrook and Outworks	135,000	25,000	30,000	80,000
	Gosport -	Gilkicker Battery - -	50,000	- - -	10,000	40,000
		Stokes Bay Line - -	40,000	26,000	5,000	9,000
		Fort Grange - - -	60,000	100,000	55,000	25,000
		Fort Rowner - -	60,000			
		Fort Brockhurst - -	60,000			
	Gosport "Advance."	Fort Farcham - -	113,000	8,000	25,000	80,000
	Hilsea -	Hilsea Lines - - -	120,000	25,000	20,000	75,000
	Southsea -	Eastney Batteries - -	15,000	7,000	6,000	2,000
		Lump's Battery - -	5,000	3,000	2,000	—
		Southsea Castle - -	35,000	- - -	5,000	30,000
Plymouth -	Sea Defences	Picklecombe Battery - -	85,000	15,000	25,000	45,000
		Studdon Point Battery -	80,000	5,000	20,000	55,000
		Breakwater Fort - -	145,000	10,000	25,000	110,000
		Drake's Island Battery -	35,000	12,000	20,000	3,000
		Eastern King Battery -	2,000	2,000	—	—
		Western King Battery -	3,000	2,500	500	—
		Mount Edgecumbe Battery -	8,000	2,000	5,000	1,000
	Staddon -	Staddon Fort - -	93,000	33,000	50,000	85,000
		Fort Stamford - - -	75,000			
	Maker - -	Knatterbury - -	5,000	- - -	- - -	5,000
		Whitesand Bay - -	10,000	4,000	6,000	—
		Cawsand Bay - -	10,000	5,000	5,000	—
		Maker Barracks - -	20,000	- - -	- - -	20,000
	North Eastern	North Eastern Defences -	350,000	- - -	50,000	300,000
	Devonport -	Devonport Lines - -	10,000	7,000	2,500	500
	Antony -	Fort Tregantle - -	130,000	75,000	45,000	10,000
		Fort Scraesdon - -	130,000	30,000	40,000	60,000

Fortifications (Provision for Expenses).

1. Station.	2. District.	3. Name of Work.	4. Estimated Cost of Works and Lands.	5. Estimated Expenditure upon the Works and Lands to 31 July 1862.	6. Amount proposed for Works 1862–3.	7. Further Amount required to complete the Works.
			£	£	£	£
Pembroke -	Milford Haven	Stack Rock Fort - -	60,000	17,000	25,000	18,000
		South Hook Battery -	30,000	8,000	15,000	7,000
		Hubberstone Battery -	35,000	15,000	20,000	—
		Popton Battery - -	45,000	17,000	20,000	8,000
		Chapel Bay Battery -	10,000	- -	5,000	5,000
		Fort Scoveston (North of Milford Haven).	76,000	11,000	15,000	50,000
		Works to Southward of Milford Haven.	80,000	- -	- -	80,000
Portland -	Portland -	Verne Citadel, and Batteries connected therewith.	127,000	32,000	30,000	65,000
		Nothe Fort - -	80,000	20,000	30,000	30,000
		Breakwater Batteries -	145,000	15,000	30,000	100,000
Gravesend -	Thames -	Coalhouse Fort - -	90,000	20,000	40,000	30,000
		Cliffe Fort - - -	80,000	18,000	30,000	32,000
		Shornmead - -	80,000	12,000	30,000	38,000
Medway and Sheerness.	Sea Defences -	Isle of Grain - -	85,000	30,000	40,000	15,000
		Garrison Point - -	80,000	6,000	30,000	44,000
		Hoo Fort - - -	50,000	24,000	20,000	45,000
		Darnet Fort - -	59,000		20,000	
		Slough Battery - -	15,000	- -	10,000	5,000
	Works in front of Mile Town.	Cheney Rock Battery -	20,000	- -	5,000	15,000
		Queenborough Battery -	20,000	- -	5,000	15,000
Chatham -	Eastern -	Eastern Defences - -	500,000	- -	- -	500,000
Dover -	Dover -	Castle Hill Fort - -	90,000	25,000	25,000	40,000
		Dover Castle - -	10,000	5,000	1,000	4,000
		Western Heights - -	149,000	60,000	64,000	25,000
Cork - -	Cork - -	Spike Island Defences -	10,000	2,000	2,000	6,000
		Carlisle Fort - -	79,000	9,000	20,000	50,000
		Camden Fort - -	70,000	4,000	8,000	58,000
		Total Works - -	5,630,000	850,000	1,200,000	3,580,000
Lands - - - - -			1,030,000	430,000		
Site for Central Arsenal - - - -			150,000	—		
Incidental Expenses to 31st July 1862 - - -			50,000	50,000		
		£	6,860,000	1,330,000		
Available from Amount provided by 23 & 24 Vict. c. 109. for payments for Lands purchased, and incidental Expenses - - - - -			- -	670,000		
Provided for by 23 & 24 Vict. c. 109. - - - -				2,000,000		
Total of this Enactment - - - - -				1,200,000		
Total of both Enactments - - - -				3,200,000		

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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thousand eight hundred and sixty-five it shall not be lawful for the Owner of an existing Mine to employ any Person in working within such Mine, or to permit any Person to be in such Mine for the Purpose of working therein, unless there are in communication with every Seam of such Mine for the Time being at work at least Two Shafts or Outlets, separated by natural Strata of not less than Ten Feet in Breadth, by which Shafts or Outlets distinct Means of Ingress and Egress are available to the Persons employed in the Mine; but it shall not be necessary for the Two Shafts or Outlets to belong to the same Mine, if the Persons therein employed have available Means of Ingress and Egress by not less than Two Shafts or Outlets, One or more of which may belong to another Mine.

This Section shall not apply to opening a new Mine for the Purpose of searching for or proving Minerals, or to any Working for the Purpose of making a Communication between Two or more Shafts, so long as not more than Twenty Persons are employed at any one Time in the said new Mine or Working.

Appeal by Owner of existing Mine to Arbitration.

4. If the Owner of any existing Mine objects, within such Time as is herein-after mentioned, in Writing addressed to One of Her Majesty's Principal Secretaries of State, that by reason of the Nature of the Mine, or from its being nearly exhausted, or from any other special Cause, he ought to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, or that he cannot provide an additional Shaft or Outlet within the Time limited by this Act, a Reference shall be made to Arbitration as to whether the Owner ought or ought not, under the Circumstances, to provide an additional Shaft or Outlet, or ought or ought not to have an Extension of Time for providing an additional Shaft or Outlet: If the Result of the Arbitration is in favour of the Owner, he shall, as the Case requires, be relieved from the Obligation of providing an additional Shaft or Outlet, or have such Extension of Time granted to him for providing an additional Shaft or Outlet as may be determined by the Award: If the Result of the Arbitration be against the Owner, or if no Award is made by reason of any Default or Neglect on the Part of the Owner, he shall be bound to comply with the Provisions of this Act, in the same Manner as if this Section had not been enacted.

Mode of conducting Arbitrations.

5. Arbitrations, in pursuance of this Act, shall be conducted in manner directed by the Thirteenth Section of the Principal Act in Cases where the Owner, within the Twenty Days therein mentioned, objects to any Alterations in or Additions to Rules, or Rules by way of Substitution proposed by the Secretary of State; but no Objection made in pursuance of this Act by the Owner of an existing Mine shall

shall be entertained unless it is made within the Times following; that is to say, if he claims to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, within Six Calendar Months after the passing of this Act; and if he claims to have an Extension of Time for providing an additional Shaft or Outlet, within the Six Calendar Months immediately preceding the First Day of *January* One thousand eight hundred and sixty-five.

Power to enforce by Injunction Compliance with Act.

6. Any of Her Majesty's Superior Courts of Law or Equity may, upon the Application of the Attorney General acting on behalf of the said Secretary of State, prohibit by Injunction the working of any Mine in which any Person is employed in working, or is permitted to be for the Purpose of working, in contravention of the Provisions of this Act, and may award such Costs in the Matter of the Injunction as the Court thinks just; but this Section shall be without Prejudice to any other Remedy permitted by Law for enforcing the Provisions of this Act.

Agreements in contravention of Act illegal.

7. No Person shall be precluded by any Agreement made before the passing of this Act from doing such Acts as may be necessary for providing an additional Shaft or Outlet to a Mine where the same is required by this Act, or be liable under any Agreement to any Penalty or Forfeiture for doing such Acts as may be necessary in order to comply with the Provisions of this Act.

Construction of Act.

8. This Act shall be construed as One with the Principal Act, and the Powers hereby given shall be deemed to be in addition to and not in derogation of any Powers conferred by the Principal Act, and such last-mentioned Powers may be exercised in the same Manner as if this Act had not been passed.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

***

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State for War to issue the Money required for Pay of Regular Militia.

1. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
For each Adjutant - - - - -	0	10	0	0	10	0
" Quartermaster, where One is appointed in Corps consisting of not less than 360 Private Men - - - - -	0	5	0	0	5	0
and of less than 360 Private Men -	0	3	6	0	3	6
" Serjeant Major, where One is appointed in Corps consisting of Two or more Companies - - - - -	0	3	0	0	3	6
" Quartermaster Serjeant (in Corps whose Establishment exceeds Four Companies)	0	2	6	0	2	10
and for the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) - -	0	2	6	0	2	10
" Serjeant Instructor of Musketry or Gunnery	0	1	10	0	2	6
" Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) -	0	1	10	0	2	6
" Serjeant, Orderly Room Clerk, Drum Major, or Bugle Major - - -	0	1	10	0	2	6
" Drummer, Trumpeter, or Bugler, above Sixteen Years of Age - - -	0	1	1	0	1	3
and if under Sixteen Years of Age - -	0	0	10	0	0	10

Rates of Pay when absent on Furlough.

Provided always, that when any Non-commissioned Officer, Drummer, Trumpeter, or Bugler shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer, Trumpeter, or Bugler on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

2. Except when employed as herein-after provided, every Adjutant, Quartermaster, Non-commissioned Officer, and Drummer, Trumpeter, or Bugler on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant, Quartermaster, Non-commissioned Officer, and Drummer, Trumpeter, or Bugler shall forfeit his Pay for any Period during which he shall be absent, except when

when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers, and Drummers, Trumpeters, or Buglers, at the same Time.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

3. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

Quartermaster, &c. to have Charge of the Arms and Clothing.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

4. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

Balance to form a Stock Purse.

Arms may be deposited in War Office Stores, by Order of Secretary of State for War.

In Absence of the Adjutant, the Serjeants to be

5. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered,

under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

tered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers, Trumpeters, or Buglers, shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

6. The Officers and Volunteer Non-commissioned Officers and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - - -	1	2	6	1	2	6
Lieutenant-Colonel - - - -	0	15	11	0	15	11
Major - - - -	0	14	1	0	14	1
Captain (including non-effective Allowance) -	0	10	6	0	10	6
Lieutenant - - - -	0	6	6	0	6	6
Ensign - - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies -	0	2	6	0	2	6
" if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies - - -	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff)	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6
(if on the Permanent Staff in Corps of not less than 360 Private Men)	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men) -	0	3	0	0	3	0
Surgeon - - - - -	0	11	4	0	11	4
Assistant Surgeon - - -	0	7	6	0	7	6
Sergeant Instructor of Musketry or Gunnery, in addition to the daily Rate of Pay granted by Sec. 1.	0	1	0	0	1	0
Serjeant (not on the Permanent Staff) - -	0	1	6¾	0	2	6
Corporal - - - - -	0	1	2¼	0	1	4¼
Private - - - - -	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise - - - - -	0	0	1	0	0	1

7. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, Trumpeters or Buglers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

8. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth: All such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

Form of Declaration.

'I do solemnly and sincerely declare, That I
' formerly served as a in the
' Militia; that I am not in Holy Orders; and that from the
' Day of to the Day of
' I did not hold or enjoy any Place or Employment of Profit, Civil
' or Military, under Her Majesty, or in the Colonies or Possessions
' of Her Majesty beyond the Seas, or under any other Government,
' besides my Allowance of per Diem as a of the
' said Militia, except my Half Pay or Civil Pension as a .'

9. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

10. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers,

Persons on Half Pay, or entitled to Allowance as having served in the Army or

Navy, empowered to receive Pay, &c. during Training.

Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

11. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, Trumpeter, or Bugler, or Private Man, in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

12. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, and the Wives and Families of the Non-commissioned Officers, Drummers, Buglers, and Trumpeters of the Permanent Staff, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1863.

13. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and sixty-two, or from the Time such Regiment shall cease and

and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and sixty-three, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

14. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants Surgeons, and Quartermasters.

15. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular or *Indian* Forces, or in the Army of the *East India* Company, and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

Allowances granted to Adjutants on Completion of certain Periods of Service.

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster

master General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

16. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

17. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as Adjutant in the of Local Militia at the Reduction of 'the

'the Staff of the said Militia in One thousand eight hundred and 'twenty-nine; and that I was not in Holy Orders during any Part of 'the Period for which I now claim to receive an Allowance, that is to 'say, from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy 'or Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

18. Where the Militia is raised by Ballot in *Great Britain* Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

Clerks, &c. to make Declaration of the Justness of their Accounts.

19. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the Public Service 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officers*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the Public Service according to the Manner therein set 'forth; and that I was employed on such Business the full Time 'therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

20. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

And

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Allowance to Surgeon.

21. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Direction of the Secretary of State for War.

22. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

Bills drawn for Pay, &c. may be on unstamped Paper.

23. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

24. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

25. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and sixty-two until the First Day of *September* One thousand eight hundred and sixty-three.

Continuance of Act.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

Militia Pay.

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - -	20	0	0
Above 400, and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100:			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - -	2	2	0

The actual Expense incurred in printing or advertising, and for Postage, may be charged.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXXXI.

An Act to make perpetual *An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.* [7th *August* 1862.]

WHEREAS an Act passed in the Session of Parliament held in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter One hundred and forty-four, and intituled *An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes*, is about to expire; and it is expedient to make the same perpetual: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 23 & 24 Vict. c. 144.

1. There shall be repealed the Eighth Section of the said Act, whereby it is provided that the same is to continue in force until the Thirty-first Day of *July* One thousand eight hundred and Sixty- Recited Act made perpetual.

sixty-two and no longer, and the said Act shall be and is hereby made perpetual.

LONDON:
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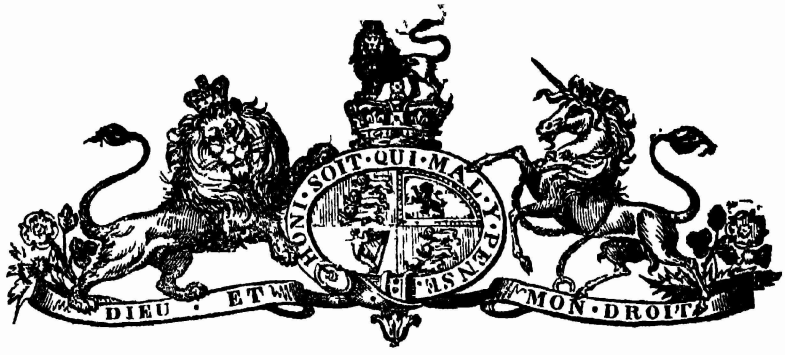

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXXXII.

An Act for the more economical Recovery of Poor Rates and other Local Rates and Taxes.

[7th *August* 1862.]

WHEREAS it is expedient to provide for the more economical Recovery of Poor Rates and other Local Rates and Taxes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Consolidation of Proceedings for the Recovery of Rates.

1. Where any Number of Local Rates and Taxes, whether of the same or of different Kinds, are due from the same Person, the Rates and Taxes so due may be included in the same Information, Complaint, Summons, Order, Warrant, or other Document required by Law to be laid before Justices or to be issued by Justices, and every such Document as aforesaid shall, as respects each Rate or Tax comprised in it, be construed as a separate Document, and its Invalidity as respects any one Rate or Tax shall not affect its Validity as respects any other Rate or Tax comprised in it:

No Costs shall be allowed in respect of several Informations, Complaints, Summonses, Orders, Warrants, or other such Documents as aforesaid, in Cases where, in the Opinion of the Justices or Court having

having Jurisdiction over the said Costs, One Information, Complaint, Summons, Order, Warrant, or other Document as aforesaid might have sufficed, regard being had to the Provisions of this Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXXXIII.

An Act to amend the Laws in force for the Relief of the destitute Poor in *Ireland*, and to continue the Powers of the Commissioners.

[7th *August* 1862.]

WHEREAS it is expedient to amend the Laws in force for the Relief of the destitute Poor in *Ireland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to charging Expense of Relief to Electoral Divisions.

1. For the Purpose of charging the Expense of Relief to any Electoral Division, every Person making Application for Relief after the passing of this Act shall be deemed to have been resident in such Electoral Division in which, during the Period of Five Years next before his Application for Relief, he shall have been longest usually resident, whether by usually occupying any Tenement situate, or by usually sleeping, within such District: Provided always, that where any such Person shall not have occupied a Tenement or slept within any such Electoral Division for at least Two Years in the whole during the said Period of Five Years, the Expense of the Relief of such Person shall in such Case be borne by and charged against the whole Union in which he or she is relieved: Provided also, that

 where

where any Person chargeable to any Electoral Division shall have received Relief, and shall cease to be relieved, and shall thereafter within the Period of Twelve Months again begin to receive Relief, such last-mentioned Relief shall be chargeable on the Electoral Division to which such Person was in the first instance chargeable: Provided also, that the Cost for the Relief of destitute Poor who shall not have resided in the Union where such Relief is given for the last Five Years next previous to receiving such Relief shall be charged and chargeable according to the Provisions of an Act passed in the Tenth Year of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland: Provided also, that in estimating the Time of Residence in the Union or Electoral Division, Residence in the Workhouse shall be considered to be Residence in the Union, and also in the Electoral Division, if there be any such to which the Pauper during such Residence shall be chargeable, but shall not be considered to be Residence in the Electoral Division in which the Workhouse is situate unless the Pauper be chargeable to such Division.

Sect. 10. of 10 Vict. c. 31. repealed.

2. And whereas by an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, Section Ten, it is provided that no Person who shall be in the Occupation of any Land of greater Extent than the Quarter of a Statute Acre shall be deemed and taken to be a destitute poor Person under the Provisions of an Act passed in the Second Year of the Reign of Her Majesty, Chapter Fifty-six, for the more effectual Relief of the destitute Poor in *Ireland*, or of the Acts amending the same: And whereas it is expedient that the said Provision of the said Act should be repealed as far as relates to Relief within the Workhouse: Therefore, from and after the passing of this Act the Tenth Section of the said Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, shall be and the same is hereby repealed: Provided always, that any Person who shall be in Occupation of any Land of greater Extent than a Quarter of a Statute Acre, and who shall be considered by the Board of Guardians to require Relief, shall be relieved by them in the Workhouse, and not otherwise.

Power to Guardians to admit poor Persons requiring Medical or Surgical Aid into Hospitals.

3. And whereas the Guardians of the Poor of Unions in *Ireland* are empowered to admit into any Building provided by them for a Fever Hospital, or into any Part of the Workhouse appropriated by them, with the Consent of the Commissioners to that Purpose, poor Persons affected with Fever or other dangerous contagious Disease, and it is expedient to extend such Power: Be it enacted, That it shall be lawful for such Guardians to admit into the Infirmary of the Workhouse any poor Persons requiring Medical or Surgical Aid in Hospital, and

and to provide for their Treatment and Maintenance therein, charging the Expense thereof on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability by Residence under the Laws which are or shall be in force for the Relief of the destitute Poor in *Ireland*: Provided that no Person admitted to the Workhouse for Medical or Surgical Treatment in Hospital shall be required by the Guardians to be accompanied by any Member of his or her Family as a Condition of such Person's Admission into the Workhouse.

Poor Persons of sufficient Ability to pay the Cost of their Maintenance in a Hospital, or Part thereof appropriated to a Hospital, required to pay same.

4. Every poor Person who shall be so admitted into the Infirmary of the Workhouse in pursuance of the Authority in that Behalf which is herein-before given, and every poor Person who shall hereafter be admitted into any Building provided by the Guardians of any Union for a Fever Hospital, or into any Part of the Workhouse appropriated as a Fever Hospital, who shall nevertheless be considered by the Guardians to be of sufficient Ability to pay the Cost of his or her Maintenance while in Hospital, or some Portion of such Cost, shall be required to repay such Proportion thereof as the Guardians shall determine; provided that such Proportion shall in no Case exceed the Average of the general Cost of Maintenance, Medical and Surgical Treatment in such Hospital or Infirmary; and all such Sums shall be recoverable from such poor Persons, or from those liable by Law to maintain them, by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in *Ireland*; and all such Sums, or any Part thereof which shall be recovered, shall be lodged with the Treasurer of the Union, to the Credit of the Electoral Division chargeable for the Maintenance of such poor Person, or to the Credit of the Union, as the Case may be: Provided also, that for the Purpose of the Recovery of the Cost of Maintenance as aforesaid, every Master or Mistress shall be deemed liable to maintain his or her Domestic Servant so long as the Service shall continue, and also his or her Apprentice residing under his or her Roof.

As to Admission of Constabulary Patients.

5. On the Requisition of any Inspector or Sub-Inspector of Constabulary, or Head Constable in charge of a Station, it shall be lawful for the Board of Guardians to admit into the Workhouse Infirmary or Fever Hospital any Constable or Sub-Constable of the said Force, on Service within the Union, who shall be suffering from Fever or other Disease or bodily Injury requiring Treatment in Hospital; and every such Constable or Sub-Constable shall contribute the full average Cost of daily Maintenance and Establishment Charges, Medical and Surgical Treatment in such Hospital for the whole Term of his Continuance therein; and the Amount of such Cost may

may be recovered by the Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in *Ireland.*

Poor Persons claiming to pay Cost of their Maintenance not to be disfranchised.

6. Every poor Person admitted into the Fever Hospital or Infirmary of a Workhouse who shall on Admission claim to repay the entire Cost of his or her Maintenance therein, according to the full average Cost thereof, as herein-before stated, and every poor Person admitted into such Fever Hospital or Infirmary on whose Behalf the Person liable by Law to maintain such poor Person shall claim to repay the entire Cost of such Maintenance therein as aforesaid, and every Constable or Sub-Constable so admitted, shall be entered in a separate Register from that in which the other Persons admitted into the Workhouse are registered; and the Person so relieved and the Person so claiming shall not, after Payment of the said Charges of Maintenance, be subject to any Disfranchisement or Disability as Persons having received Relief from the Poor Rates; and such Register shall at all reasonable Times be open for the Inspection of those Persons who shall desire to examine or take Extracts from it, without any Charge for such Inspection or Extracts; and a Copy of such Register, or of any Part of it, signed by the Clerk of the Union, and under the Seal of the Board of Guardians, shall be legal Evidence of the Facts stated in such Copy in any Court of Record, without Proof of the Signature of the Clerk, or of the affixing of such Seal.

Guardians may send Inmates of Workhouse to Hospital or Infirmary.

7. It shall be lawful for the Guardians of any Union in Cases requiring special Treatment to send any Inmate or Inmates of the Workhouse of such Union requiring Medical or Surgical Treatment to any Hospital or Infirmary the Governor, Governors, or Managers of which shall be willing and able to receive such Inmate or Inmates, and to pay to the Governor, Governors, or Managers of such Hospital or Infirmary, out of the Rates of the Union or Electoral Division, as the Case may be, the Cost of the Maintenance and Treatment in such Hospital or Infirmary of the Persons so sent as aforesaid; and the Guardians may also pay out of the Rates of the Union the Cost of the Conveyance of such Persons from the Workhouse of the Union to such Hospital or Infirmary, and also the Cost of the Conveyance of such Persons, when discharged from such Hospital or Infirmary, to the said Workhouse; and the entire Cost of such Maintenance, Treatment, and Conveyance as aforesaid shall be deemed Part of the Cost of Maintenance and Treatment of such Inmate or Inmates in the Workhouse of such Union.

8. Every

8. Every Child under the Age of Fifteen Years, without a Parent, relieved in a Workhouse, shall be subject to the Authority of the Board of Guardians in the same Manner as such Child would be subject to the Authority of its Parents or Parent, if living together with such Parents or Parent, excepting as regards the Religious Denomination of such Child, and no such Child shall be discharged from the Workhouse otherwise than by the Order of the Board of Guardians; but nothing herein shall authorize the Detention of any Child without a Parent, if any Relative of such Child, who in the Opinion of the Board of Guardians shall be a fit Person to be intrusted with such Child, and of sufficient Ability to maintain such Child, shall claim its Discharge from the Workhouse for the Purpose of its being maintained out of the Workhouse otherwise than at the Charge of the Poor Rates.

Guardians to have same Authority as Parents in Cases of Children under 15 Years of Age relieved without Parents.

9. And whereas it has been found that the Mortality among Infant Children admitted into Workhouses without their Mothers is very large, and that in other respects the Workhouses are not well suited in all Cases for the Care and Nurture of such Children during Infancy; and it is therefore expedient to extend the Powers of Boards of Guardians for the Relief of destitute poor Children who are Orphans, or who have been deserted by their Parents: Be it enacted, That it shall be lawful for the Board of Guardians to provide for the Relief of any Orphan or deserted Child out of the Workhouse, if they shall think fit to do so, by placing such Child out at Nurse, according to their Discretion; provided that no Child shall be placed out with any Person who does not profess the same Religion as that in which the Child has been registered: Provided that no Child shall continue to be so relieved after the Age of Five Years: Provided always, that the Guardians of the Poor may, with Consent of the Poor Law Commissioners, continue such Relief from Year to Year until the Child attain the Age of Eight Years, should the Guardians consider that such Extension of Outdoor Relief be necessary for the Preservation of the Child's Health.

Relief to Orphans and deserted Children.

10. From and after the passing of this Act, when Oath shall have been made before any Two Justices of the Peace in Petty Sessions (which Oath the said Justices are hereby empowered to administer) by the Mother of any illegitimate Child, and the same shall have been supported by corroborative Evidence, it shall be lawful for the Boards of Guardians to recover from the putative Father the Cost of the Maintenance of such illegitimate Child during the Time that he is in receipt of Relief from the Poor Rates, and while under the Age of Fourteen; and such Cost of Maintenance, and the Costs of Suit, shall be recoverable by Process in the

Boards of Guardians to recover Costs of Maintenance of illegitimate Children in Poorhouses under Fourteen.

Name of the Guardians before the Barrister at Quarter Sessions from the Person who shall have been adjudged to be the Father of the Child.

As to Religious Education of Children the Religion of whose Parents is not known.

11. And whereas by the Act of the Second Year of the Reign of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, it is provided, that no Order of the Commissioners nor any Byelaw shall authorize the Education of any Child in a Workhouse in any Religious Creed other than that professed by the Parents or Parent of the Child, and to which such Parents or Parent shall object, and in the Case of an Orphan to which the Guardian or Guardians, Godfather or Godmother, shall object; but no such Provision is made for the Case of a Child not being an Orphan, the Religion of whose Parents or Parent is unknown: Be it enacted, That in every such last-mentioned Case the Guardian or Guardians, Godfather or Godmother of the Child, shall have the like Power to object as the Parents or Parent of a Child would have if living, or as the Guardian or Guardians, Godfather or Godmother, would have in the Case of an Orphan.

As to rating of unoccupied Buildings.

12. And whereas Doubts have existed as to the Liability of unoccupied Buildings to be rated in the Rates for the Relief of the Poor, and it is expedient to remove such Doubts: Be it enacted, That from and after the passing of this Act the Guardians shall, in making every Rate for the Relief of the destitute Poor, specify on the Face thereof the Period for the Service of which the Rate is estimated to provide, and that when any Building liable to Assessment under the Provisions of the Acts for the Relief of the destitute Poor in *Ireland* is unoccupied at the Time of making any such Rate on the Electoral Division in which such Building shall be situate, the Board of Guardians shall in every such Case include such Building in the said Rate, describing it in the Column appropriated to the Name of the Occupier or immediate Lessor, as the Case may be, as "empty," and such Building shall be deemed to be rated to the Relief of the Poor as fully and effectually as if it had been occupied at the Time of the Rate made, and the Name of the Occupier or immediate Lessor inserted in the said Rate: Provided always, that if such Building shall continue to be unoccupied during the whole of the Period for which the Rate was estimated as aforesaid, the Rate so made on the said Building shall not be recoverable; provided also, that if after the making of the said Rate, and before the Expiration of the Period for which the Rate was so estimated as aforesaid, any Person or Persons shall occupy such Building for any Portion of such Period, the Board of Guardians shall be entitled to recover from the Occupier or the immediate Lessor, if he be liable to pay the same, a Portion only

only of the said Rate proportioned to the Time during which the said Building shall have been so occupied; and the same shall be recovered from the Occupier or immediate Lessor, as the Case may be, in the same Manner as if he had been originally rated for such Building, or, in default of Payment by such Occupier, from the subsequent Occupier of the Premises.

County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons. 1 & 2 Vict. c. 56.

13. From and after the passing of this Act, so much of the Act passed in the First and Second Years of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, as provides that every Rate made on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess on any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in that Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situate, shall be and the same is hereby repealed; and from and after the passing of this Act it shall and may be lawful for the Guardians of any Union, subject to the Approval of the Commissioners, to appoint from Time to Time such and so many Persons as they may deem expedient to collect and levy the Rates so made on the several Electoral Divisions.

Not to affect District comprised in Dublin Rates Act, 12 & 13 Vict. c. 91.

14. Nothing herein-before contained regarding the rating of Premises or the Collection of Rates shall apply to Premises situate within the District for the Collection of Poor Rates as defined by the Act passed in the Session held in the Twelfth and Thirteenth Years of the Reign of Her Majesty, intituled *An Act to provide for the Collection of Rates in the City of* Dublin.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein.

15. No Ratepayer shall be entitled to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation, unless he or his Proxy shall, One Month at the least previous to the Day on which he shall claim to vote, have given to the Guardians, or to some Person acting as Returning Officer, a Statement in Writing of the Name and Address of such Ratepayer, and the Description and local Situation of the Property in respect of which he claims to vote, specifying, in Cities, Towns, and their Suburbs having Streets and other Roadways, the Name of the Street or Roadway, and the Number of the House or Tenement, if any, and the Parish in which the Property

Property is situate, and in other Places the Barony, Parish, and Townland, so that the Property may be ascertained and identified with reasonable Certainty, together with the Nature of the Interest of the Ratepayer therein, and its net annual Value over and above all Rents payable by him, and the Amount of Rent payable to him, and the Names of the Tenants or Occupiers by whom Poor Rates have been deducted from such Rent; and no such Proxy shall be entitled to claim to vote unless such Proxy shall have given to the Guardians, or some Person acting as Returning Officer, One Month at the least previous to the Day on which he shall claim to vote, the Original or an attested Copy of the Writing appointing such Proxy; and every such Claim to vote, whether by the Ratepayer or his Proxy, shall be executed in the Presence of a Justice of the Peace.

Limitation of Property and Proxy Claims.

16. No Claim of a Ratepayer to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give a Vote or Votes in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his Occupation, shall continue in force beyond the Period of Five Years from the Date on which he or his Proxy shall have given such Statement as aforesaid: Provided that every Appointment of a Proxy may be revoked at any Time; provided also, that no Person shall be entitled to vote as Proxy for more than Twenty Owners of Property in any One Electoral Division or Ward unless he be a Steward, Bailiff, Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote.

Owners or immediate Lessors rated under Sects. 1. & 4. of 6 & 7 Vict. c. 92., Sect. 63. of 12 & 13 Vict. c. 91., and Sect. 10. of 12 & 13 Vict. c. 104. may vote as Occupiers.

17. And whereas Doubts have been entertained whether Owners or immediate Lessors of Property who are rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, or under the Provisions of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, or under the Provisions of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, Section Ten, are entitled to vote as Ratepayers in respect of Property for which they are so rated: Be it enacted, That it shall be lawful for Owners or immediate Lessors who are so rated as aforesaid to vote, in Person or by Proxy, in the Election of Guardians in respect of the Property or Rent for which they are so rated, in the same Manner as Occupiers paying no Rent or paying Rent less than the net annual Value of the rateable Property, as the Case may be; provided that every such Owner or immediate Lessor or his Proxy shall have lodged a Statement in the Manner herein-before provided with

with reference to Persons claiming to vote in respect of Property not in their actual Occupation.

18. No Person receiving Rent shall be entitled to vote as aforesaid in respect thereof for any greater Amount of Rent than the annual Value of the Property out of which such Claim arises, according to the Valuation of the same in the Survey or Valuation of rateable Hereditaments for the Time being in force in the Union.

No Person to vote for a greater Amount of Rent than the rateable Value of the Property.

19. Whereas it is provided by the said recited Act, that no Occupier paying Rent to any Landlord shall be entitled to vote under the Provisions of the said Act unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within the Six Calendar Months immediately preceding such voting; and it is expedient to extend the said Provision: Be it enacted, That no Occupier rated to the Poor Rate shall be entitled to vote in that Capacity unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within Six Calendar Months immediately preceding such voting; and no Owner or immediate Lessor who is rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, or the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, or the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, Section Ten, and this Act, shall be entitled to vote in respect of the Property for which he is so rated, unless he shall have paid all the Rates made and assessed on him in respect of such Property, except such as shall have been made or become due within Six Calendar Months immediately preceding such voting.

Occupiers and immediate Lessors who are rated not to vote unless all Rates Six Months due have been paid.

20. From and after the passing of this Act, in the event of any One Person being elected a Guardian by the Ratepayers of Two or more Electoral Divisions, Electoral Districts, or Wards, as the Case may be, he shall forthwith notify to the Returning Officer for which of such Electoral Divisions, Electoral Districts, or Wards, as the Case may be, he will choose to act as Guardian, which Notification shall be trahsmitted to the Commissioners by the Returning Officer of such Union; and the Commissioners shall thereupon take Order for a further Election of Guardian in the other of such Divisions, Districts, or Wards, as the Case may be.

Guardian elected for Two or more Divisions to notify for which he will act.

21. No Solicitor who is a Member of any Board of Guardians shall act professionally as Solicitor either for or against the Board of

Solicitors who are Members of

Boards of Guardians not to act for or against such Boards.

Guardians of which he is a Member; and every Solicitor so acting shall forfeit the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt in any of Her Majesty's Courts of Record in *Dublin*.

Paid Officers and others incapable of serving as Guardians.

22. No paid Officer engaged in the Administration of the Laws for the Relief of the Poor, or under the Act for the better Distribution, Support, and Management of Medical Charities in *Ireland*, nor any Person who, having been such paid Officer, shall have been dismissed within Five Years previously from such Office, shall be capable of serving as a Guardian; and no Person receiving any fixed Salary or Emolument from the Poor Rates in any Union shall be capable of serving as a Guardian in such Union.

Burial Expenses of Persons dying unknown.

23. And whereas no legal Provision exists for the Burial of the Bodies of unknown Persons who have been drowned and cast ashore in *Ireland*, or who have otherwise perished and been found dead: Be it enacted, That the Guardians of each Union in *Ireland* shall provide for the Burial of the dead Body of every such Person dying or found dead within such Union whose Family or Connexions shall not be known, and whose Body shall not be claimed by any Person for the Purpose of Burial, and shall charge the Expenses of such Burial on the Poor Rates of the Union: Provided that the Relieving Officer of the Union, with the Sanction of the Guardian or One of the Guardians of the Electoral Division in which such Person shall be found dead, shall proceed without Delay in the Burial of such dead Body, giving Notice to the Guardians of his Proceedings therein, and of the Expenses incurred by him as soon thereafter as may be practicable in each Case, such Expense in each Case not to exceed Seven Shillings and Sixpence.

Where no new Guardians nominated, old Guardians to remain in Office.

24. When, at the Expiration of the Year of Office of the Guardians of the Poor, no Nomination of a Guardian or Guardians for any Electoral Division shall have been made, the Guardian or Guardians of any such Electoral Division shall remain in Office for the ensuing Year, and have Power to exercise all the Functions of Guardians of the Poor, as if duly re-elected.

After Division of Electoral Divisions into Wards, Ratepayers under the last Rate may vote for Guardians.

25. Whereas under Provisions of an Act passed in the Second Year of the Reign of Her Majesty, Chapter One, the Commissioners are empowered to constitute certain Cities, Boroughs, and Towns Electoral Divisions into Wards for the Election of Guardians: Be it enacted, That when the Commissioners shall have divided any Electoral Division into Wards as aforesaid, every Ratepayer who, under the last Rate made in any Union, shall have paid or contributed, or be liable to

to pay or contribute, Rate in respect of Property in any Ward, shall have a Vote or Votes for the Election of Guardians in such Ward according to the Scale of Votes provided by the Act of the First and Second Years of *Victoria*, Chapter Fifty-six.

Appointment of Commissioners administering Laws for Relief of Poor in Ireland acting under 10 & 11 Vict. c. 90., &c. further continued.

26. And whereas the Provisions of an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Ninety, relating to the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, Secretaries, Inspectors, and other Officers, were continued from Time to Time, and by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and forty-eight, such Provisions were further continued until the Twenty-third Day of *July* One thousand eight hundred and sixty-one, and thenceforth until the End of the present Session of Parliament; and it is expedient that the Commission for administering the Law for the Relief of the Poor in *Ireland*, as constituted under the said Act and an Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, should be further continued for a limited Time: Therefore the Commissioners appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said last-mentioned Acts or either of them, together with every Person by the said Acts or either of them constituted by virtue of his Office such Commissioner, and every Inspector and other Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said recited Acts now in force, shall, unless he shall previously resign or be removed, or otherwise cease to hold his Office, be empowered to hold his Office and exercise the Powers thereof, under the said last-mentioned Acts or either of them, until the Twenty-third Day of *July* One thousand eight hundred and sixty-three, and thenceforth until the End of the then next Session of Parliament; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioner or Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the said Acts or either of them, and upon every Vacancy in the Office of the Commissioner or Commissioners so appointed or to be appointed, either by Removal, Death, Resignation, or otherwise, to appoint, as in the said Acts or either of them is described, some other fit Person to the said Office.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXXXIV.

An Act to continue the Duties of Excise on Sugar made in the United Kingdom, and to amend the Laws relating to the Duties of Excise.

[7th *August* 1862.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's public Expenses and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Excise Duties on British Sugar continued until 1st July 1863.

1. The Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B.) of the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall be continued, and be levied and charged until the First Day of *July* One thousand eight hundred and sixty-three.

2. And

23 & 24 Vict. c. 114. not to affect any other Duties than the Excise Duties on Spirits.

2. And whereas an Act was passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits; and by the said Act certain Acts and Parts of Acts specified in Schedule (C.) thereto annexed were repealed, and Doubts may arise whether by such Repeal other Duties than those of Excise on Spirits and the Regulations for charging and collecting the same may not have been prejudiced or affected contrary to the true Intent and Meaning of the said last-recited Act: Be it enacted and declared, That nothing in the said last-recited Act or the said Schedule contained shall be construed, deemed, or taken to have repealed or affected any Duties of Excise in force at the Time of the passing of the same Act, or the Regulations for charging or collecting the same, except as to the Duties of Excise on Spirits, and all such Duties and Regulations in force as aforesaid, except as aforesaid, are hereby declared to have remained and shall continue to be and remain in full Force and Effect, and the said Duties to have been and to be lawfully charged and chargeable in like Manner as they would have been if the said last-recited Act had not been passed, unless or until the same have been or shall be otherwise expressly repealed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Certified Copy to be delivered to Person or Persons to whom Intimation may in any Case be requisite.

2. An Assignation shall be validly intimated (1) by a Notary Public delivering a Copy thereof, certified as correct, to the Person or Persons to whom Intimation may in any Case be requisite, or (2) by the Holder of such Assignation, or any Person authorized by him, transmitting a Copy thereof certified as correct by Post to such Person; and (in the First Case) a Certificate by such Notary Public in or as nearly as may be in the Form set forth in Schedule C. hereto annexed, and (in the Second Case) a written Acknowledgment by the Person to whom such Copy may have been transmitted by Post as aforesaid of the Receipt of the Copy, shall be sufficient Evidence of such Intimation having been duly made: Provided always, that if the Deed or Instrument containing such Assignation shall likewise contain other Conveyances or Declarations of Trust Purposes, it shall not be necessary to deliver or transmit a full Copy thereof, but only a Copy of such Part thereof as respects the Subject Matter of such Assignation.

As to Transmission of Personal Bond, &c. according to present Forms.

3. Nothing in this Act contained shall prevent the Transmission of any Personal Bond or Conveyance of Moveable Estate, or the Intimation of any Assignation according to the Forms at present in use.

Interpretation of Terms.

4. The following Words in this Act, and in the Schedules annexed to this Act, shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Bond" and the Word "Conveyance" shall extend to and include Personal Bonds for Payment or Performance, Bonds of Caution, Bonds of Guarantee, Bonds of Relief, Bonds and Assignations in Security of every Kind, Decreets of any Court, Policies of Assurance of any Assurance Company or Association in *Scotland*, whether held by Parties resident in *Scotland* or elsewhere, Protests of Bills or of Promissory Notes, Dispositions, Assignations, or other Conveyances of Moveable or Personal Property or Effects, Assignations, Translations, and Retrocessions, and also Probative Extracts of all such Deeds from the Books of any competent Court; the Word "Assignation" shall also include Translations and Retrocessions, and Probative Extracts thereof; the Words "Moveable Estate" shall extend to and include all Personal Debts and Obligations, and Moveable or Personal Property or Effects of every Kind.

Short Title.

5. This Act may be cited for all Purposes as the "Transmission of Moveable Property (*Scotland*) Act, 1862."

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], do hereby assign to *C.D.* and his Heirs or Assignees [*or otherwise, as the Case may be,*] the Bond [*or other Deed, describing it,*] granted by *E.F.*, dated, *&c.*, by which [*here specify the Nature of the Deed, and specify also any connecting Title, and any Circumstances requiring to be stated in regard to the Nature and Extent of the Right required*]. In witness whereof, *&c.*

[*Insert Testing Clause in usual Form.*]

SCHEDULE B.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be,*] do hereby assign to *C.D.* and his Heirs or Assignees [*or otherwise, as the Case may be,*] the foregoing [*or within-written*] Bond [*or other Writ or Deed, describing it,*] granted in my Favour [*or otherwise, as the Case may be, specifying any connecting Title, and any Circumstances requiring to be stated in regard to the Nature and Extent of the Right assigned*]. In witness whereof, *&c.*

[*Insert Testing Clause in usual Form.*]

SCHEDULE C.

I (*A*) of the City of Notary Public, do hereby attest and declare, That upon the Day of and between the Hours of and I duly intimated to *B.* [*here describe the Party*] the within written Assignation [*or otherwise as the Case may be*], or an Assignation granted by [*here describe it*], and that by delivering to the said *A.* personally [*or otherwise*] by leaving for the said *A.* within his Dwelling House at *E.*, in the Hands of [*here describe the Party*], a full Copy thereof, [*or if a partial Copy here quote the Portion of the Deed which has been delivered,*] to be given

given to him; all of which was done in presence of *C.* and *D.* [*here name and describe the Two Witnesses*], who subscribe this Attestation along with me. In witness whereof.

[*Insert Testing Clause in usual Form, to be subscribed by the Party and the Two Witnesses.*]

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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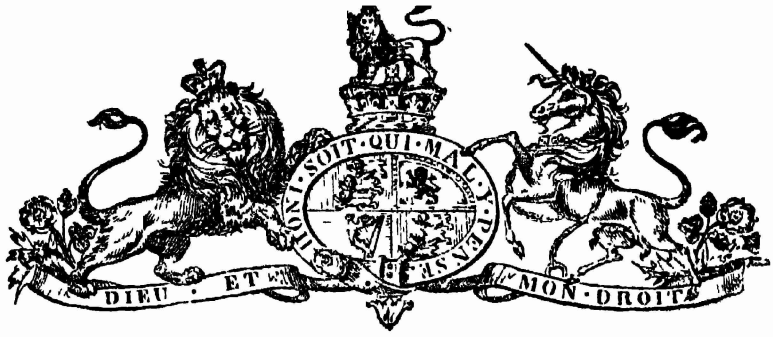

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXXXVI.

An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

[7th *August* 1862.]

WHEREAS it is expedient to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Persons found lunatic by Inquisition, and to make the other Provisions herein-after contained with respect to certain Officers in Lunacy, and otherwise: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Lunacy Regulation Act, 1862." Short Title.

2. In this Act, unless there be something in the Subject Matter or Context repugnant to the Construction, the following Terms shall have the Meanings herein-after assigned to them: *Interpretation.*

The Expression "the Lord Chancellor intrusted as aforesaid" and the several other Expressions and Words mentioned and referred to in the Act to be construed as Part of Lunacy

Regulation Act, 1853. 16 & 17 Vict. c. 70.

the Second Section of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Seventy, intituled *An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition and their Estates*, shall be read and construed according to the Interpretations thereof contained in the said Section:

And generally the Provisions of the said Act (except so far as the same are altered by or are inconsistent with this Act) shall extend and apply to the several Cases and Matters provided for by this Act, in the same Way as if this Act had been incorporated with and had formed Part of the said Act.

Nature and Limit of Inquiry under Commissions of Lunacy.

3. The Inquiry to be made under every Order for Inquiry or Commission of Lunacy or Issue shall be confined to the Question whether or not the Person who is the Subject of the Inquiry is at the Time of such Inquiry of unsound Mind, and incapable of managing himself or his Affairs, and no Evidence as to anything done or said by such Person, or as to his Demeanour or State of Mind at any Time being more than Two Years before the Time of the Inquiry, shall be receivable in Proof of Insanity on any such Inquiry, or on the Trial of any Traverse of an Inquisition, unless the Judge or Master shall otherwise direct.

Inquiries before a Jury to be made by means of an Issue to One of the Superior Courts of Common Law.

4. Wherever, under the said Act, the Lord Chancellor intrusted as aforesaid shall order an Inquiry before a Jury, he may by his Order direct an Issue to be tried in One of Her Majesty's Superior Courts of Common Law at *Westminster*, and the Question in such Issue shall be, whether the alleged insane Person is of unsound Mind and incapable of managing himself or his Affairs; and the Provisions of the said Act with respect to Commissions of Lunacy, and Orders for Inquiry to be tried by a Jury, and the Trial thereof, and the Constitution of the Jury, shall apply to any Issue to be directed as aforesaid, and the Trial thereof, and subject thereto such Issue and the Trial thereof shall be regulated by the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and nine, intituled *An Act to amend the Law concerning Games and Wagers*, and the Verdict upon any such Issue, finding the alleged insane Person to be of unsound Mind and incapable of managing himself or his Affairs, shall have the same Force to all Intents and Purposes as an Inquisition under a Commission of Lunacy, finding a Person to be of unsound Mind and incapable of managing himself or his Affairs, returned into the Court of Chancery.

5. Where

5. Where in any Act of Parliament, Order, Rule of Court, or Instrument Reference is made to a Commission of Lunacy, or the Inquisition thereon, the Issue hereby authorized to be directed, and the Verdict thereon, operating as an Inquisition, shall be deemed to be intended by or comprehended in the Reference.

Reference in other Acts to Inquisition to apply to Verdict on Issue.

6. On the Trial of every such Issue as last aforesaid the alleged insane Person shall, if he is within the Jurisdiction, be examined before the taking of the Evidence is commenced, and at the Close of the Proceedings, before the Jury consult as to their Verdict, unless the presiding Judge shall otherwise direct; and such Examinations of the alleged insane Person shall take place either in open Court or in private as such Judge shall direct.

Examination of alleged Lunatic on the holding of the Inquisition.

7. No Person shall be entitled to a Traverse of any Inquisition made under any such Order as aforesaid upon the Oath of a Jury; but it shall be lawful for the Lord Chancellor intrusted as aforesaid, if he shall think fit, upon a Petition being presented to him within Three Months next after the Trial of any such Issue, to order that a new Trial shall be had of such Issue or a new Inquiry made as to the Insanity of such Person, subject to such Directions and upon such Conditions as to the Lord Chancellor intrusted as aforesaid may seem proper.

No Traverse of an Inquisition made by One of the Judges of the Superior Courts and by a Jury to be granted, but new Trial may be ordered by the Lord Chancellor.

Sections One hundred and forty-eight, One hundred and forty-nine, and One hundred and fifty of the said Act (which Sections relate to Petitions and Orders for the Traverse of Inquisitions) shall not apply to any Case coming within the last preceding Section of this Act.

Section One hundred and fifty-one of the said Act shall apply to all Proceedings taken, Orders made, and Things done, pending a new Trial or new Inquiry or the Petition for the same, in the same Manner as is provided by the said Section with respect to such Matters pending a Traverse or the Petition for the same.

8. And with reference to Inquiries before the Master without a Jury, and the Right of the alleged Lunatic to demand an Inquiry by a Jury, be it enacted, upon the Hearing of any Petition for Inquiry it shall be lawful for the alleged Lunatic, by himself, his Counsel or Solicitor, orally, or by Petition addressed to the Lord Chancellor intrusted as aforesaid, to demand an Inquiry by a Jury, and such Demand shall have the same Effect as if made by Notice filed with the Registrar in accordance with the Provisions of the said Act.

Demand of Inquiry by Jury.

9. Upon such Hearing the alleged Lunatic may, by himself, his Counsel or Solicitor, orally, or by Petition as aforesaid, withdraw any Notice of demanding an Inquiry by a Jury previously filed by him.

Demand of Inquiry by Jury may be withdrawn.

10. And

Commission may be superseded on Conditions.

10. And with respect to the superseding of Commissions, be it enacted, That if it shall appear to the Lord Chancellor that it is not expedient or for the Benefit of the Lunatic that the Commission should be unconditionally superseded, but that same should be superseded on Terms and Conditions, he may, upon the Consent of the Lunatic and such other Persons, if any, whose Consent he may deem necessary, order the Commission to be superseded upon such Terms and Conditions as he shall think proper; and all the Provisions contained in "The Lunacy Regulation Act, 1853," in relation to the superseding of the Commission in Cases where a Traverse has been applied for, and to the Proceedings for the fulfilling of such Terms and Conditions, shall apply to all Cases in which the Commission shall be superseded upon Terms and Conditions under the Provisions herein contained.

Lord Chancellor may order Costs.

11. It shall be lawful for the Lord Chancellor intrusted as aforesaid to order the Costs, Charges, and Expenses of and incidental to the Presentation of any Petition for a Commission in the Nature of a Writ De lunatico inquirendo, or for any Order of Inquiry under "The Lunacy Regulation Act, 1853," and of and incidental to the Prosecution of any Inquiry, Inquisition, Issue, Traverse, or other Proceeding consequent upon such Commission or Order, to be paid either by the Party or Parties who shall have presented such Petition, or by the Party or Parties opposing such Petition, or out of the Estate of the alleged Lunatic, or partly in one way and partly in another, as the Lord Chancellor intrusted as aforesaid shall in each Case think proper; and such Order shall have the same Force and Effect as Orders for the Payment of Money made by the High Court of Chancery in Cases within its Jurisdiction.

As to Property of insane Persons when of small Amount.

In order that the Property of insane Persons when the same is of small Amount may be applied for their Benefit in a summary and inexpensive Manner, be it enacted as follows:

Power to Lord Chancellor, where Lunatic does not oppose Application, and his Property does not exceed 1,000*l.* in Value, or 50*l.* per Annum, to apply it for his Benefit in a sum-

12. Where, by the Report of One of the Masters in Lunacy or of the Commissioners in Lunacy, or by Affidavit or otherwise, it is established to the Satisfaction of the Lord Chancellor intrusted as aforesaid that any Person is of unsound Mind and incapable of managing his Affairs, and that his Property does not exceed One thousand Pounds in Value, or that the Income thereof does not exceed Fifty Pounds *per Annum*, the Lord Chancellor intrusted as aforesaid may, without directing any Inquiry under a Commission of Lunacy, make such Order as he may consider expedient for the Purpose of rendering the Property of such Person, or the Income thereof, available for his Maintenance or Benefit or for carrying on his Trade or Business: Provided nevertheless, that the alleged insane Person shall

shall have such personal Notice of the Application for such Order as aforesaid as the Lord Chancellor shall by General Order to be made as after mentioned direct.

mary Manner, without Inquisition.

13. For the Purpose of giving effect to any such Order as is mentioned in the last preceding Section the Lord Chancellor intrusted as aforesaid may order any Land, Stock, or other Property of such Person as aforesaid to be sold, charged by way of Mortgage, or otherwise disposed of, and a Conveyance, Transfer, Charge, or other Disposition thereof to be executed or made by any Person on his Behalf, and may order the Proceeds of any such Sale, Charge, or other Disposition, or the Dividends or Income of such Land, Stock, or Property, to be paid to any Relative of such insane Person, or to such other Person as it may be considered proper to trust with the Application thereof, to be by him applied in the Maintenance or for the Benefit of the insane Person, or of him and his Family, either at the Discretion of such Relative or Person, or in such Manner, and subject to such Control, and with or without such Security for the Application thereof, as the Lord Chancellor intrusted as aforesaid may direct; and for the Purpose above mentioned the Lord Chancellor intrusted as aforesaid shall have all the same Powers with respect to the Transfer, Sale, and Disposition of, and otherwise respecting, the Real and Personal Property of such Person as aforesaid as if he had been found lunatic by Inquisition.

Power to sell Land or other Property of Lunatic for his Benefit.

14. The Lord Chancellor may from Time to Time make such General Orders as he may think fit for regulating the Procedure to be adopted and the Duties to be performed by the Masters and Officers in Lunacy for obtaining such Reports as aforesaid, and for carrying the Objects of the Two last preceding Sections into effect, and for vesting in such Masters and Officers such Powers as the Lord Chancellor may consider expedient for the Purposes aforesaid.

Power to make General Orders, to carry into effect the Objects of the last preceding Section.

15. Where any Person has, on the Trial of any Indictment, been acquitted on the Ground of Insanity, it shall be lawful for the Lord Chancellor intrusted as aforesaid, on being satisfied by Affidavit or otherwise of the continued Insanity of such Person, and of his being still in Confinement, to make any such Order with respect to the Property of such Person, and the Application thereof for his Maintenance or Benefit, or that of his Family, or for carrying on his Trade or Business, as is mentioned in the Three last preceding Sections of this Act.

Power to apply Property of Persons acquitted on the Ground of Insanity for their Benefit.

Charging Orders.

And for the Purpose of extending the Powers over the Property of Lunatics given by Section One hundred and sixteen of the said Act, be it enacted as follows:

Extending Powers of charging Lunatic's

16. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit, he may by Order direct any Estate

 or

Property for his Maintenance, Debts, and Costs.

or Interest of the Lunatic in Land or Stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future Time, to stand and be charged with any Monies advanced or to be advanced, or due or to become due, to any Person for or in respect of any of the Purposes or Matters mentioned in the said Section, and either with or without Interest on such Monies; and he may also by Order direct any such Estate and Interest to be dealt with and disposed of in such Manner as he shall consider expedient for any of the Purposes aforesaid, or for securing any Monies advanced or to be advanced for such Purposes or any of them, and with or without Interest for the same; and every Charge and Disposition directed or made by or in pursuance of any such Order shall be valid and effectual to all Intents and Purposes, and shall take effect accordingly, subject only to any prior Charge to which the Estate or Interest affected thereby may at the Date of such Order be subject.

General.

All Deeds, Transfers, Payments, &c. made in pursuance of this Act to be valid and binding.

Indemnity to the Bank of England, &c.

17. Every Conveyance, Transfer, Charge, or other Disposition made or executed by virtue of this Act, and every Payment made in pursuance of this Act, shall be valid to all Intents, and binding upon all Persons whomsoever; and this Act shall be a full Indemnity and Discharge to the Governor and Company of the Bank of *England*, their Officers and Servants, and all other Persons respectively, for all Acts and Things done or permitted to be done in pursuance thereof, or of any Order of the Lord Chancellor intrusted as aforesaid made or purporting to be made under this Act; and such Acts and Things respectively shall not be questioned or impeached in any Court of Law or Equity to their Detriment.

Power to Masters to summon Witnesses.

18. To give further and better Effect to the Fifty-fifth, Fifty-sixth, and Sixtieth Sections of the said Act, respecting the Attendance of Witnesses before the said Masters, the Masters may in the Matter of any Lunatic or alleged Lunatic compel by Summons the Attendance of any Person to give Evidence before them, whether such Person has or has not previously given Evidence by Affidavit; and every Person so summoned shall be bound to attend as required by the Summons, and give Evidence before the said Masters, in like Manner as is provided by the Sixtieth Section of the said Act in the Case of Persons who have given Evidence by Affidavit.

Visiting.

Duties of Visitors.

And with respect to the visiting of Lunatics, be it enacted as follows:

19. It shall be the Duty of the Visitors to visit Persons of unsound Mind within the Meaning of this Act at such Times and in such Rotation and Manner, and to make such Inquiries and Investigations as to their Care and Treatment and mental and bodily Health, and the Arrangements for their Maintenance and Comfort, and otherwise respecting

respecting them, as the Lord Chancellor shall by General Orders, or as the Lord Chancellor intrusted as aforesaid shall by Special Order in any particular Case from Time to Time direct.

All Lunatics to be visited Four Times a Year.

20. Provided always, That from and after the First Day of *October* next every Lunatic shall be personally visited and seen by One of the said Visitors Four Times at least in every Year, and such Visits shall be so regulated as that the Interval between successive Visits to any such Lunatic shall in no Case exceed Four Months: Provided always, that Lunatics who are resident in licensed Houses, Asylums, or registered Hospitals shall not necessarily be visited by any of the said Visitors more than once in the Year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

Visitors also to visit alleged Lunatics, and make a Report, &c. to the Lord Chancellor.

21. The Visitors shall also visit such Persons alleged to be insane, and shall make such Inquiries and Reports in reference to them as the Lord Chancellor intrusted as aforesaid may direct, and at the Expiration of every Six Calendar Months they shall report to the Lord Chancellor the Number of Visits which they shall have made, the Number of Patients they shall have seen, and the Number of Miles they shall have travelled during such Months, and shall on the First Day of *January* in each Year make a Return to the Lord Chancellor of all Sums received by them for travelling Expenses, or upon any other Account; and a Copy of such Reports, showing the Number of Visits made, the Number of Patients seen, and the Number of Miles travelled, and also a Copy of such Return of Sums received for travelling Expenses, or upon any other Account, shall be laid before Parliament on or before the First Day of *February* in each Year, if Parliament be then sitting, and if not, within Twenty-one Days next after the Commencement of the next Session of Parliament.

Sections 104 and 105 of 16 & 17 Vict. c. 70. repealed.

22. Sections One hundred and four and One hundred and five of the said Act (which Sections relate to the visiting of Lunatics) are hereby repealed.

Officers in Lunacy.

Power to the Lord Chancellor to allow Pensions to present Visitors, if desirous of retiring.

23. The Lord Chancellor may, if he shall so think fit, on a Petition presented to him for that Purpose, order Annuities, not exceeding One Half of their respective Salaries, to be paid to the present Medical Visitors or either of them, in case they or either of them shall be desirous of retiring from the Offices held by them, they having already attained the respective Ages of Seventy-eight and Eighty-one Years, and having served as such Medical Visitors for Twenty-eight and Twenty Years respectively.

Visitors to hold Office during good Behaviour.

24. The Medical Visitors to be hereafter appointed and the Legal Visitor shall hold their Offices during their good Behaviour, but may be

be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of their Duties, or of their being disabled from performing the same, and they shall receive Salaries of Fifteen hundred Pounds each, and shall not be in any way engaged in the Practice of their respective Professions.

Visitors to receive Salaries, but not to practise in their Professions.

Clerks to the Visitors.

25. Such Clerks to the Visitors may from Time to Time be appointed by the Lord Chancellor and at such Salaries as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct: So much of Section Twenty-three of the said Act as refers to the Clerk of the Secretary to the said Visitors is hereby repealed.

Superannuation Allowances to Officers in Lunacy.

26. The Lord Chancellor may, if he shall so think fit, order to be paid to any Officer who has served for Twenty Years in any Office or Offices in Lunacy, and who shall be above Sixty Years of Age, and shall be desirous of retiring, or who is disabled by permanent Infirmity from the Performance of his Duties, such Superannuation Allowance, not exceeding Two Thirds of the Salary payable to such Officer or Person at the Time of his Resignation, as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, may approve.

Payment of Pensions and Salaries.

27. All Annuities and Salaries ordered to be paid in pursuance of this Act shall be payable out of "The Suitors Fee Fund Account" mentioned in the said Act, and at the Times and in the Manner directed by the Twenty-fifth Section of the said Act.

Registrar to hold Office during good Behaviour.

28. The Registrar in Lunacy shall hold his Office during good Behaviour, and may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of his Duties or his being disabled from performing the same.

Orders.

And with respect to Orders in Lunacy, be it enacted as follows:

Office Copies of Orders to be acted upon by Accountant General and others.

29. The Accountant General and all other Persons, and the Governor and Company of the Bank of *England*, shall act upon all Office Copies of Orders in Lunacy purporting to be signed by the Registrar in Lunacy, and sealed with the Seal of his Office, in the same Manner as such Persons are by Section One hundred and one of the said Act required to act upon Office Copies of Reports confirmed by Fiat.

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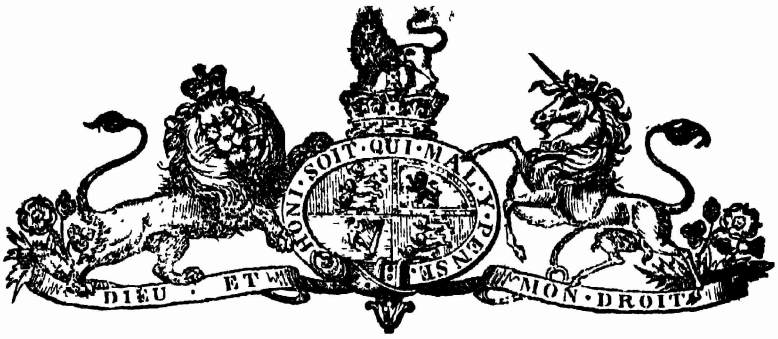

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXXXVII.

An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.

[7th *August* 1862.]

WHEREAS by the Industrial and Provident Societies Act, 1852, it is enacted, that it shall be lawful for any Number of Persons to establish a Society under the Provisions thereof and of the therein-recited Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof a Fund for attaining any Purpose or Object for the Time being authorized by the Laws in force with respect to Friendly Societies or by the said recited Act, by carrying on or exercising in common any Labour, Trade, or Handicraft, or several Labours, Trades, or Handicrafts, except the working of Mines, Minerals, or Quarries beyond the Limits of the United Kingdom of *Great Britain* and *Ireland*, and also except the Business of Banking, whether in the said United Kingdom or elsewhere; and that the said Act shall apply to all Societies already established for any of the Purposes herein mentioned, so soon as they shall conform to the Provisions hereof: And whereas by an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Twenty-five, various Provisions were made for the better enabling legal Proceedings to be carried on in any Matter concerning the Societies formed under the said Act of 1852: And whereas the last-mentioned Act was amended by an Act passed in the

15 & 16 Vict. c. 31.

17 & 18 Vict. c. 25.

19 & 20 Vict. c. 40.

the First Session of the Nineteenth and Twentieth Years of Her present Majesty, Chapter Forty: And whereas various Societies have been formed and are now carrying on Business under the Provisions of the said recited Acts, and it is desirable to consolidate and amend the Laws relating to such Societies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed.

1. The Industrial and Provident Societies Act, 1852, and the said recited Acts for the Amendment thereof, are hereby repealed from the passing of this Act.

As to Societies registered under recited Acts.

2. All Societies registered under the Industrial and Provident Societies Act, 1852, shall be entitled to obtain a Certificate of Registration on Application to the Registrar of Friendly Societies, and for which Certificate no Fee shall be payable to the Registrar.

Constitution of Societies under this Act.

3. Any Number of Persons, not being less than Seven, may establish a Society under this Act for the Purpose of carrying on any Labour, Trade, or Handicraft, whether wholesale or retail, except the working of Mines and Quarries, and except the Business of Banking, and of applying the Profits for any Purposes allowed by the Friendly Societies Acts, or otherwise permitted by Law.

Rules.

4. The Rules of every such Society shall contain Provisions in respect of the several Matters mentioned in the Schedule annexed to this Act.

Registration of Society.

5. Two Copies of the Rules shall be forwarded to the Registrar of Friendly Societies of *England*, *Scotland*, or *Ireland*, according to the Place where the Office of the Society is situate, and shall be dealt with by him in the Manner provided by the Friendly Societies Act, 1855; and he shall thereupon give his Certificate of Registration, and such Certificate shall in all Cases be conclusive Evidence that the Society has been duly registered, and thereupon the Members of such Society shall become a Body Corporate, by the Name therein described, having a perpetual Succession and a Common Seal, with Power to hold Lands and Buildings, with limited Liability.

Certificate of Registration to vest all Property in Society now held in trust for Society.

6. The Certificate of Registration shall vest in the Society all the Property that may at the Time be vested in any Person in trust for the Society; and all legal Proceedings then pending by or against any such Trustee or other Officer on account of the Society may be prosecuted by or against the Society in its registered Name without Abatement.

7. A Copy

7. A Copy of the Rules shall be delivered by the Society to every Person, on Demand, on Payment of a Sum not exceeding One Shilling.

Copy of Rules to be delivered to Persons, on Demand.

8. No Society shall be registered under a Name identical with that by which any other existing Society has been registered, or so nearly resembling such Name as to be likely to deceive the Members or the Public, and the Word "Limited" shall be the last Word in the Name of every Society registered under this Act.

No Society to be registered by same Name as that of any existing Society.

9. No Member shall be entitled, in any Society registered under this Act, to hold or claim any Interest exceeding the Sum of Two hundred Pounds.

Member's Interests limited to 200*l.*

10. Every Society registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Society is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Society, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Society.

Publication of Name by a Society

11. If any Society under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Society or any Person on its Behalf uses any Seal purporting to be a Seal of the Society whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Society, or signs or authorizes to be signed on behalf of such Society any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Society, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Society.

Penalties on Non-publication of Name, &c.

12. Every Society under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Society

Every Society to have a registered Office.

Society registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Penalty on Default.

Notice of Situation of registered Office.

13. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Society shall not be deemed to have complied with the Provisions of this Act.

Signature, and Effect of Rules.

14. The Rules of every Society registered under this Act shall bind the Society, and the Members thereof, to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Rules contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to such Rules subject to the Provisions of this Act; and all Monies payable by any Member to the Society in pursuance of such Rules shall be deemed to be a Debt due from such Member to the Society.

Application of Friendly Societies Acts to this Act.

15. The Provisions of the Friendly Societies Acts shall apply to Societies registered under this Act in the following Particulars:

Exemption from Stamp Duties and Income Tax:
Settlements of Disputes by Arbitration or Justices:
Compensation to Members unjustly excluded:
Power of Justices or County Courts in case of Fraud:
Jurisdiction of the Registrar.

Power to Member to nominate Persons into whose Name his Interest may be transferred at his Death.

16. The Provisions of the Friendly Societies Act, 1854, whereby a Member of any Society registered thereunder is allowed to nominate any Persons to whom his Investment in such Society shall be paid, shall extend, in the Case of Societies registered under this Act, to allow any Member thereof to nominate any Persons into whose Name his Interest in such Society at his Decease shall be transferred: Provided nevertheless, that any such Society may, in lieu of making such Transfer, elect to pay to any Persons so nominated the full Value of such Interest.

As to the Winding-up of Societies.

17. Any Society registered under this Act may be wound up either by the Court or voluntarily, in the same Manner and under the same Circumstances under and in which any Company may be wound up under any Acts or Act for the Time being in force for winding up Companies; and all the Provisions of such Acts or Act with respect to winding up shall apply to such Society, with this Exception, that the Court having Jurisdiction in the Winding-up shall be the County Court of the District in which the Office of the Society is situated.

18. In

18. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all things necessary to the winding up of the Concerns thereof, and that it may be sued and sue, under the Provisions of this Act, in respect of all Matters relating to such Society.

Dissolution of Society not to prevent winding up of its Affairs.

19. The Provisions of the Joint Stock Companies Acts as to Bills of Exchange and the Admissibility of the Register of Shares in Evidence shall apply to all Societies registered under this Act.

Provisions of Joint Stock Companies Acts to apply.

20. In the event of a Society registered under this Act being wound up, every present and past Member of such Society shall be liable to contribute to the Assets of the Society to an Amount sufficient for Payment of the Debts and Liabilities of the Society, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following; (that is to say,)

Liability of present and past Members of Society.

(1.) No past Member shall be liable to contribute to the Assets of the Society if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up:

(2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Society contracted after the Time at which he ceased to be a Member:

(3.) No past Member shall be liable to contribute to the Assets of the Society unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in order to satisfy all just Demands upon such Society:

(4.) No Contribution shall be required from any Member exceeding the Amount (if any) unpaid on the Shares in respect of which he is liable as a past or present Member.

21. Any Society registered under this Act may be constituted a Company under the Companies Acts, by conforming to the Provisions set forth in such Act, and thereupon shall cease to retain its Registration under this Act.

Society may be constituted under Companies Acts.

22. Every Person or Member having an Interest in the Funds of any Society registered under this Act may inspect the Books and the Names of the Members at all reasonable Hours at the Office of the Society.

Members may inspect Books.

23. The

Sheriffs Jurisdiction in Scotland.

23. The Sheriff in *Scotland* shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act.

Annual Returns to be prepared as Registrar may direct.

24. A General Statement of the Funds and Effects of any Society registered under this Act shall be transmitted to the Registrar once in every Year, and shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars as the Registrar shall from Time to Time require; and the Registrar shall have Authority to require such Evidence as he may think expedient of all Matters required to be done, and of all Documents required to be transmitted to him under this Act; and every Member of or any Depositor in any such Society shall be entitled to receive, on Application to the Treasurer or Secretary of that Society, a Copy of such Statement, without making any Payment for the same.

Recovery of Penalties.

25. All Penalties imposed by this Act, or by the Rules of any Society registered under this Act, may be recovered in a summary Manner before Two Justices, as directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

Short Title.

26. This Act may be cited as "The Industrial and Provident Societies Act, 1862."

SCHE-

SCHEDULE of Matters to be provided for in the Rules.

1. Object and Name, and Place of Office of the Society, which must in all Cases be registered as One of limited Liability.
2. Terms of Admission of Members.
3. Mode of holding Meetings and Right of Voting, and of making or altering Rules.
4. Determination whether the Shares shall be transferable, and in case it be determined that the Shares shall be transferable, Provision for the Form of Transfer and Registration of Shares and for the Consent of the Committee of Management and Confirmation by the General Meeting of the Society; and in case Shares shall not be transferable, Provision for paying to Members Balance due to them on withdrawing from the Society.
5. Provision for the Audit of Accounts.
6. Power to invest Part of Capital in another Society; provided that no such Investment be made in any other Society not registered under this Act, or the Joint Stock Companies Act, as a Society or Company with limited Liability.
7. Power and Mode of withdrawing from the Society, and Provisions for the Claims of Executors, Administrators, or Assigns of Members.
8. Mode of Application of Profits.
9. Appointment of Managers and other Officers, and their respective Powers and Remuneration.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXXXVIII.

An Act to amend the Law relating to the fraudulent marking of Merchandise.

[7th *August* 1862.]

WHEREAS it is expedient to amend the Laws relating to the fraudulent marking of Merchandise, and to the Sale of Merchandise falsely marked for the Purpose of Fraud: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Words.

1. In the Construction of this Act the Word "Person" shall include any Person, whether a Subject of Her Majesty or not, and any Body Corporate or Body of the like Nature, whether constituted according to the Law of this Country or of any of Her Majesty's Colonies or Dominions, or according to the Law of any Foreign Country, and also any Company, Association, or Society of Persons, whether the Members thereof be Subjects of Her Majesty or not, or some of such Persons Subjects of Her Majesty and some of them not, and whether such Body Corporate, Body of the like Nature, Company, Association, or Society be established or carry on Business within Her Majesty's Dominions or elsewhere, or partly within Her Majesty's Dominions

and

and partly elsewhere; the Word "Mark" shall include any Name, Signature, Word, Letter, Device, Emblem, Figure, Sign, Seal, Stamp, Diagram, Label, Ticket, or other Mark of any other Description; and the Expression "Trade Mark" shall include any and every such Name, Signature, Word, Letter, Device, Emblem, Figure, Sign, Seal, Stamp, Diagram, Label, Ticket, or other Mark as aforesaid lawfully used by any Person to denote any Chattel, or (in *Scotland*) any Article of Trade, Manufacture, or Merchandise, to be an Article or Thing of the Manufacture, Workmanship, Production, or Merchandise of such Person, or to be an Article or Thing of any peculiar or particular Description made or sold by such Person, and shall also include any Name, Signature, Word, Letter, Number, Figure, Mark, or Sign which in pursuance of any Statute or Statutes for the Time being in force relating to registered Designs is to be put or placed upon or attached to any Chattel or Article during the Existence or Continuance of any Copyright or other sole Right acquired under the Provisions of such Statutes or any of them; the Word "Misdemeanor" shall include Crime and Offence in *Scotland*; and the Word "Court" shall include any Sheriff or Sheriff Substitute in *Scotland*.

Forging a Trade Mark or falsely applying any Trade Mark with Intent to defraud, a Misdemeanor.

2. Every Person who, with Intent to defraud, or to enable another to defraud any Person, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any Trade Mark, or shall apply, or cause or procure to be applied, any Trade Mark or any forged or counterfeited Trade Mark to any Chattel or Article not being the Manufacture, Workmanship, Production, or Merchandise of any Person denoted or intended to be denoted by such Trade Mark, or denoted or intended to be denoted by such forged or counterfeited Trade Mark, or not being the Manufacture, Workmanship, Production, or Merchandise of any Person whose Trade Mark shall be so forged or counterfeited, or shall apply, or cause or procure to be applied, any Trade Mark or any forged or counterfeited Trade Mark to any Chattel or Article, not being the particular or peculiar Description of Manufacture, Workmanship, Production, or Merchandise denoted or intended to be denoted by such Trade Mark or by such forged or counterfeited Trade Mark, shall be guilty of a Misdemeanor, and every Person so committing a Misdemeanor shall also forfeit to Her Majesty every Chattel and Article belonging to such Person to which he shall have so unlawfully applied, or caused or procured to be applied, any such Trade Mark or forged or counterfeited Trade Mark as aforesaid, and every Instrument in the Possession or Power of such Person, and by means of which any such Trade Mark, or forged or counterfeited Trade Mark as aforesaid, shall have been so applied, and every Instrument in the Possession or Power of such Person for applying any such Trade Mark

or

or forged or counterfeit Trade Mark as aforesaid, shall be forfeited to Her Majesty; and the Court before which any such Misdemeanor shall be tried may order such forfeited Articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

Applying a forged Trade Mark to any Vessel, Case, Wrapper, &c. in or with which any Article is sold or intended to be sold, a Misdemeanor.

3. Every Person who, with Intent to defraud, or to enable another to defraud, any Person, shall apply or cause or procure to be applied any Trade Mark or any forged or counterfeited Trade Mark to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, on, or with which any Chattel or Article shall be intended to be sold or shall be sold or uttered or exposed for Sale, or intended for any Purpose of Trade or Manufacture, or shall enclose or place any Chattel or Article, or cause or procure any Chattel or Article to be enclosed or placed, in, upon, under, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeited Trade Mark shall have been applied, or shall apply or attach or cause or procure to be applied or attached to any Chattel or Article any Case, Cover, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeited Trade Mark shall have been applied, or shall enclose, place, or attach any Chattel or Article, or cause or procure any Chattel or Article to be enclosed, placed, or attached, in, upon, under, with, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing having thereon any Trade Mark of any other Person, shall be guilty of a Misdemeanor, and every Person so committing a Misdemeanor shall also forfeit to Her Majesty every such Chattel and Article, and also every such Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing as aforesaid in the Possession or Power of such Person; and every other similar Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing made to be used in like Manner as aforesaid, and every Instrument in the Possession or Power of such Person, and by means of which any such Trade Mark or forged or counterfeited Trade Mark as aforesaid shall have been applied, and also every Instrument in the Possession or Power of such Person for applying any such Trade Mark or forged or counterfeit Trade Mark as aforesaid, shall be forfeited to Her Majesty; and the Court before which any such Misdemeanor shall be tried may order such forfeited Articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

Selling Articles with forged or

4. Every Person who, after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall sell, utter, or expose

false Trade Marks after 31st December 1863, Penalty equal to Value of Article sold, and a Sum not exceeding 5*l.* nor less than 10*s.*

expose either for Sale or for any Purpose of Trade or Manufacture, or cause or procure to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article, together with any forged or counterfeited Trade Mark, which he shall know to be forged or counterfeited, or together with the Trade Mark of any other Person applied or used falsely or wrongfully or without lawful Authority or Excuse, knowing such Trade Mark of another Person to have been so applied or used as aforesaid, and that whether any such Trade Mark or forged or counterfeited Trade Mark as aforesaid, together with which any such Chattel or Article shall be sold, uttered, or exposed for Sale or other Purpose as aforesaid, shall be in, upon, about, or with such Chattel or Article, or in, upon, about, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, upon, about, or with which such Chattel or Article shall be so sold or uttered or exposed for Sale or other Purpose as aforesaid, shall for every such Offence forfeit and pay to Her Majesty a Sum of Money equal to the Value of the Chattel or Article so sold, uttered, offered, or exposed for Sale or other Purpose as aforesaid, and a further Sum not exceeding Five Pounds and not less than Ten Shillings.

Additions to and Alterations of Trade Marks made with Intent to defraud to be deemed Forgeries.

5. Every Addition to and every Alteration of, and also every Imitation of any Trade Mark which shall be made, applied, or used with Intent to defraud, or to enable any other Person to defraud, or which shall cause a Trade Mark with such Alteration or Addition, or shall cause such Imitation of a Trade Mark to resemble any genuine Trade Mark so or in such Manner as to be calculated or likely to deceive, shall be and be deemed to be a false, forged, and counterfeited Trade Mark within the Meaning of this Act; and every Act of making, applying, or otherwise using any such Addition to or Alteration of a Trade Mark or any such Imitation of a Trade Mark as aforesaid done by any Person with Intent to defraud, or to enable any other Person to defraud, shall be and be deemed to be forging and counterfeiting a Trade Mark within the Meaning of this Act.

Any Person who, after 31st December 1863, shall have sold an Article having a false Trade Mark to be bound to give Information where he procured it;

6. Where any Person who, at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall have sold, uttered, or exposed for Sale or other Purpose as aforesaid, or shall have caused or procured to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article, together with any forged or counterfeited Trade Mark, or together with the Trade Mark of any other Person used without lawful Authority or Excuse as aforesaid, and that whether any such Trade Mark, or such forged or counterfeited Trade Mark as aforesaid, be in, upon, about, or with such Chattel or Article, or in, upon, about, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper,

Wrapper, Band, Reel, Ticket, Label, or other Thing in, upon, about, or with which such Chattel or Article shall have been sold or exposed for Sale, such Person shall be bound upon Demand in Writing delivered to him or left for him at his last known Dwelling House or at the Place of Sale or Exposure for Sale by or on the Behalf of any Person whose Trade Mark shall have been so forged or counterfeited, or used without lawful Authority or Excuse as aforesaid, to give to the Person requiring the same, or his Attorney or Agent, within Forty-eight Hours after such Demand, full Information in Writing of the Name and Address of the Person from whom he shall have purchased or obtained such Chattel or Article, and of the Time when he obtained the same; and it shall be lawful for any Justice of the Peace, on Information on Oath of such Demand and Refusal, to summon before him the Party refusing, and on being satisfied that such Demand ought to be complied with to order such Information to be given within a certain Time to be appointed by him; and any such Party who shall refuse or neglect to comply with such Order shall for every such Offence forfeit and pay to Her Majesty the Sum of Five Pounds, and such Refusal or Neglect shall be *primâ facie* Evidence that the Person so refusing or neglecting had full Knowledge that the Trade Mark, together with which such Chattel or Article was sold, uttered, or exposed for Sale or other Purpose as aforesaid, at the Time of such selling, uttering, or exposing was a forged, counterfeited, and false Trade Mark, or was the Trade Mark of a Person which had been used without lawful Authority or Excuse, as the Case may be.

Power to Justices to summon Parties refusing to give Information.

Penalty for Refusal 5*l.*

7. Every Person who, with Intent to defraud or to enable another to defraud, shall put or cause or procure to be put upon any Chattel or Article, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing, together with which any Chattel or Article shall be intended to be or shall be sold or uttered or exposed for Sale, or for any Purpose of Trade or Manufacture, or upon any Case, Frame, or other Thing in or by means of which any Chattel or Article shall be intended to be or shall be exposed for Sale, any false Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article, or any Part thereof, or of the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, or shall put or cause or procure to be put upon any such Chattel or Article, Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or Thing as aforesaid, any Word, Letter, Figure, Signature, or Mark for the Purpose of falsely indicating such Chattel or Article, or the Mode of

Marking any false Indication of Quantity, &c. upon an Article with Intent to defraud, Penalty a Sum equal to the Value of the Article and the further Sum not exceeding 5*l.* and not less than 10*s.*

of manufacturing or producing the same, or the Ornamentation, Shape, or Configuration thereof, to be the Subject of any existing Patent, Privilege, or Copyright, shall for every such Offence forfeit and pay to Her Majesty a Sum of Money equal to the Value of the Chattel or Article so sold or uttered or exposed for Sale, and a further Sum not exceeding Five Pounds and not less than Ten Shillings.

Selling or exposing for Sale after the 31st December 1863 Articles with false Statement of Quantities, &c., Penalty not more than 5*l.* or less than 5*s.*

8. Every Person who, after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall sell, utter, or expose for Sale or for any Purpose of Trade or Manufacture, or shall cause or procure to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article upon which shall have been, to his Knowledge, put, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or uttered or exposed for Sale or other Purpose as aforesaid, shall have been so put, or upon any Case, Frame, or other Thing used or employed to expose or exhibit such Chattel or Article for Sale shall have been so put, any false Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article or any Part thereof, or the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, shall for every such Offence forfeit and pay to Her Majesty a Sum not exceeding Five Pounds and not less than Five Shillings.

Proviso that it shall not be an Offence to apply Names or Words known to be used for indicating particular Classes of Manufactures.

9. Provided always, That the Provisions of this Act shall not be construed so as to make it any Offence for any Person to apply to any Chattel or Article, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing with which such Chattel or Article shall be sold or intended to be sold, any Name, Word, or Expression generally used for indicating such Chattel or Article to be of some particular Class or Description of Manufacture only, or so as to make it any Offence for any Person to sell, utter, or offer or expose for Sale any Chattel or Article to which, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing sold therewith, any such generally used Name, Word, or Expression as aforesaid shall have been applied.

Description of Trade Marks and forged Trade

10. In every Indictment, Pleading, Proceeding, and Document whatsoever in which any Trade Mark shall be intended to be mentioned it shall be sufficient to mention or state the same to be a Trade Mark

Marks in Indictments, &c.

Mark without further or otherwise describing such Trade Mark, or setting forth any Copy or Fac-simile thereof; and in every Indictment, Pleading, Proceeding, and Document whatsoever in which it shall be intended to mention any forged or counterfeit Trade Mark it shall be sufficient to mention or state the same to be a forged or counterfeit Trade Mark without further or otherwise describing such forged or counterfeit Trade Mark, or setting forth any Copy or Fac-simile thereof.

Conviction not to affect any Right or Civil Remedy.

11. The Provisions in this Act contained of or concerning any Act, or any Proceeding, Judgment, or Conviction for any Act hereby declared to be a Misdemeanor or Offence, shall not nor shall any of them take away, diminish, or prejudicially affect any Suit, Process, Proceeding, Right, or Remedy which any Person aggrieved by such Act may be entitled to at Law, in Equity, or otherwise, and shall not nor shall any of them exempt or excuse any Person from answering or making Discovery upon Examination as a Witness or upon Interrogatories, or otherwise, in any Suit or other Civil Proceeding: Provided always, that no Evidence, Statement, or Discovery which any Person shall be compelled to give or make shall be admissible in Evidence against such Person in support of any Indictment for a Misdemeanor at Common Law or otherwise, or of any Proceeding under the Provisions of this Act.

Intent to defraud, &c. any particular Person need not be alleged in an Indictment, &c. or proved.

12. In every Indictment, Information, Conviction, Pleading, and Proceeding against any Person for any Misdemeanor or other Offence against the Provisions of this Act in which it shall be necessary to allege or mention an Intent to defraud, or to enable another to defraud, it shall be sufficient to allege or mention that the Person accused of having done any Act which is hereby made a Misdemeanor or other Offence did such Act with Intent to defraud, or with Intent to enable some other Person to defraud, without alleging or mentioning an Intent to defraud any particular Person; and on the Trial of any such Indictment or Information for any such Misdemeanor, and on the Hearing of any Information or Charge of or for any such other Offence as aforesaid, and on the Trial of any Action against any Person to recover a Penalty for any such other Offence as aforesaid, it shall not be necessary to prove an Intent to defraud any particular Person, or an Intent to enable any particular Person to defraud any particular Person, but it shall be sufficient to prove with respect to every such Misdemeanor and Offence that the Person accused did the Act charged with Intent to defraud, or with Intent to enable some other Person to defraud, or with the Intent that any other Person might be enabled to defraud.

13. Every

Persons who aid in the Commission of a Misdemeanor to be also guilty.

13. Every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act made a Misdemeanor shall also be guilty of a Misdemeanor.

Punishment for Misdemeanor under this Act.

14. Every Person who shall be convicted or found guilty of any Offence which is by this Act made a Misdemeanor shall be liable, at the Discretion of the Court and as the Court shall award, to suffer such Punishment by Imprisonment for not more than Two Years, with or without Hard Labour, or by Fine, or both by Imprisonment with or without Hard Labour and Fine, and also by Imprisonment until the Fine (if any) shall have been paid and satisfied.

Recovery of Penalties.

15. In every Case in which any Person shall have committed or done any Offence or Act whereby he shall have forfeited or become liable to pay to Her Majesty any of the Penalties or Sums of Money mentioned in the Provisions of this Act, every such Penalty or Sum of Money shall or may be recovered in *England*, *Wales*, or *Ireland* in an Action of Debt, which any Person may as Plaintiff for and on behalf of Her Majesty commence and prosecute to Judgment in any Court of Record, and the Amount of every such Penalty or Sum of Money to be recovered in any such Action shall or may be determined by the Jury (if any) sworn to try any Issue in such Action, and if there shall be no such Jury then by the Court or some other Jury, as the Court shall think fit, or instead of any such Action being commenced such Penalty or Sum of Money shall or may in *England* or *Wales* be recovered by a summary Proceeding before Two Justices of the Peace having Jurisdiction in the County or Place where the Party offending shall reside or have any Place of Business, or in the County or Place in which the Offence shall have been committed; and shall or may in *Ireland* be recovered in like Manner by Civil Bill in the Civil Bill Court of the County or Place in which the Offence was committed, or in which the Offender shall reside or have any Place of Business; and shall or may in *Scotland* be recovered by Action before the Court of Session in ordinary Form or by summary Action before the Sheriff of the County where the Offence shall have been committed or the Offender may reside or have any Place of Business, which Sheriff, upon Proof of the Offence, either by the Confession of the Person offending or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable in the Penalty or Penalties aforesaid as also in Expenses; and it shall be lawful for the Sheriff in pronouncing such Judgment for the Penalty or Penalties and Costs to insert in such Judgment a Warrant in the event of such Penalty or Penalties and Costs not being paid to levy and recover the Amount of the same by Poinding: Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoilzing the Defender, to find the Complainer liable

liable in Expenses, and any Judgment so to be pronounced by the Sheriff in such summary Action shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise.

Summary Proceedings before Justices to be within 11 & 12 Vict. c. 43.

16. In every Case in which any such Penalty or Sum of Money forfeited to Her Majesty as herein-before mentioned shall be sought to be recovered by a summary Proceeding before Two Justices of the Peace, the Offence or Act by the committing or doing of which such Penalty or Sum of Money shall have been so forfeited shall be and be deemed to be an Offence and Act within the Meaning of a Statute passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders;* and the Information, Conviction of the Offender, and other Proceedings for the Recovery of the Penalty or Sum so forfeited shall be had according to the Provisions of the said Act.

In Actions Penalties to be accounted for in like Manner as other Monies payable to the Crown, and Plaintiffs to recover full Costs of Suit.

17. In every Case in which Judgment shall be obtained in any such Action as aforesaid for the Amount of any such Penalty or Sum of Money forfeited to Her Majesty, the Amount thereof shall be paid by the Defendant to the Sheriff or the Officer of the Court, who shall account for the same in like Manner as other Monies payable to Her Majesty, and, if it be not paid, may be recovered, or the Amount thereof levied, or the Payment thereof enforced, by Execution or other proper Proceeding, as Money due to Her Majesty; and the Plaintiff suing on behalf of Her Majesty, upon obtaining Judgment, shall be entitled to recover and have Execution for all his Costs of Suit, which shall include a full Indemnity for all Costs and Charges which he shall or may have expended or incurred in, about, or for the Purposes of the Action, unless the Court, or a Judge thereof, shall direct that Costs of the ordinary Amount only shall be allowed.

Limitations of Actions, &c.

18. No Person shall commence any Action or Proceeding for the Recovery of any Penalty, or procuring the Conviction of any Offender in manner herein-before provided, after the Expiration of Three Years next after the committing of the Offence, or One Year next after the first Discovery thereof by the Person proceeding.

After 31st December 1863 Vendor of an Article with a Trade Mark to be deemed to contract that the Mark is genuine.

19. In every Case in which at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three any Person shall sell or contract to sell (whether by Writing or not) to any other Person any Chattel or Article with any Trade Mark thereon, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or

Article shall be sold or contracted to be sold, the Sale or Contract to sell shall in every such Case be deemed to have been made with a Warranty or Contract by the Vendor to or with the Vendee that every Trade Mark upon such Chattel or Article, or upon any such Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing as aforesaid, was genuine and true, and not forged or counterfeit, and not wrongfully used, unless the contrary shall be expressed in some Writing signed by or on behalf of the Vendor, and delivered to and accepted by the Vendee.

After 31st December 1863 Vendor of an Article with Description upon it of its Quantity to be deemed to contract that the Description was true.

20. In every Case in which at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three any Person shall sell or contract to sell (whether by Writing or not) to any other Person any Chattel or Article upon which, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or contracted to be sold, any Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article, or the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, the Sale or Contract to sell shall in every such Case be deemed to have been made with a Warranty or Contract by the Vendor to or with the Vendee that no such Description, Statement, or other Indication was in any material respect false or untrue, unless the contrary shall be expressed in some Writing signed by or on behalf of the Vendor, and delivered to and accepted by the Vendee.

In Suits at Law or in Equity against Persons for using forged Trade Marks, Court may order Article to be destroyed, and may award Injunction, &c.

21. In every Case in any Suit at Law or in Equity against any Person for forging or counterfeiting any Trade Mark, or for fraudulently applying any Trade Mark, to any Chattel or Article, or for selling, exposing for Sale, or uttering any Chattel or Article with any Trade Mark falsely or wrongfully applied thereto, or with any forged or counterfeit Trade Mark applied thereto, or for preventing the Repetition or Continuance of any such wrongful Act, or the Committal of any similar Act, in which the Plaintiff shall obtain a Judgment or Decree against the Defendant, the Court shall have Power to direct every such Chattel and Article to be destroyed or otherwise disposed of; and in every such Suit in a Court of Law the Court shall or may upon giving Judgment for the Plaintiff award a Writ of Injunction or Injunctions to the Defendant commanding him to forbear from committing and not by himself or otherwise to repeat or commit any Offence or wrongful Act of the like Nature as that of which he shall or may have been convicted by such Judgment, and any Disobedience of any such Writ of Injunction or Injunctions shall be punished as a Contempt of Court; and in every such Suit

Suit at Law or in Equity it shall be lawful for the Court or a Judge thereof to make such Order as such Court or Judge shall think fit for the Inspection of every or any Manufacture or Process carried on by the Defendant in which any such forged or counterfeit Trade Mark, or any such Trade Mark as aforesaid, shall be alleged to be used or applied as aforesaid, and of every or any Chattel, Article, and Thing in the Possession or Power of the Defendant alleged to have thereon or in any way attached thereto any forged or counterfeit Trade Mark, or any Trade Mark falsely or wrongfully applied, and every or any Instrument in the Possession or Power of the Defendant used or intended to be or capable of being used for producing or making any forged or counterfeit Trade Mark, or Trade Mark alleged to be forged or counterfeit, or for falsely or wrongfully applying any Trade Mark; and any Person who shall refuse or neglect to obey any such Order shall be guilty of a Contempt of Court.

Persons aggrieved by Forgeries may recover Damages against the guilty Parties.

22. In every Case in which any Person shall do or cause to be done any of the wrongful Acts following; (that is to say,) shall forge or counterfeit any Trade Mark; or for the Purpose of Sale, or for the Purpose of any Manufacture or Trade, shall apply any forged or counterfeit Trade Mark to any Chattel or Article, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or Thing in or with which any Chattel or Article shall be intended to be sold or shall be sold or uttered or exposed for Sale, or for any Purpose of Trade or Manufacture; or shall inclose or place any Chattel or Article in, upon, under, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeit Trade Mark shall have been applied; or shall apply or attach to any Chattel or Article any Case, Cover, Reel, Wrapper, Band, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeit Trade Mark shall have been applied; or shall inclose, place, or attach any Chattel or Article in, upon, under, with, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Reel, Wrapper, Band, Ticket, Label, or other Thing having thereon any Trade Mark of any other Person; every Person aggrieved by any such wrongful Act shall be entitled to maintain an Action or Suit for Damages in respect thereof against the Person who shall be guilty of having done such Act or causing or procuring the same to be done, and for preventing the Repetition or Continuance of the wrongful Act, and the Committal of any similar Act.

23. In

Defendant obtaining a Verdict to have full Indemnity for Costs.

23. In every Action which any Person shall under the Provisions of this Act commence as Plaintiff for or on behalf of Her Majesty for recovering any Penalty or Sum of Money, if the Defendant shall obtain Judgment, he shall be entitled to recover his Costs of Suit, which shall include a full Indemnity for all the Costs, Charges, and Expenses by him expended or incurred in, about, or for the Purposes of the Action, unless the Court or a Judge thereof shall direct that Costs of the ordinary Amount only shall be allowed.

A Plaintiff suing for a Penalty may be compelled to give Security for Costs.

24. In any Action which any Person shall, under the Provisions of this Act, commence as Plaintiff for or on behalf of Her Majesty for recovering any Penalty or Sum of Money, if it shall be shown to the Satisfaction of the Court or a Judge thereof that the Person suing as Plaintiff for or on behalf of Her Majesty has no Ground for alleging that he has been aggrieved by the committing of the alleged Offence in respect of which the Penalty or Sum of Money is alleged to have become payable, and also that the Person so suing as Plaintiff is not resident within the Jurisdiction of the Court, or not a Person of sufficient Property to be able to pay any Costs which the Defendant may recover in the Action, the Court or Judge shall or may order that the Plaintiff shall give Security by the Bond or Recognizance of himself and a Surety, or by the Deposit of a Sum of Money, or otherwise, as the Court or Judge shall think fit, for the Payment to the Defendant of any Costs which he may be entitled to recover in the Action.

Act not to affect the Corporation of Cutlers of Hallamshire, nor to repeal 59 G. 3. c. 7.

25. Nothing in this Act contained shall be construed to affect the Rights and Privileges of the Corporation of Cutlers of the Liberty of *Hallamshire* in the County of *York*, nor shall anything in this Act contained be construed in any way to repeal or make void any of the Provisions contained in the Fifty-ninth *George* Third, Chapter Seven, intituled *An Act to regulate the Cutlery Trade in* England.

Short Title.

26. The Expression "The Merchandise Marks Act, 1862," shall be a sufficient Description of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXXXIX.

An Act for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations. [7th *August* 1862.]

WHEREAS it is expedient that the Laws relating to the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations should be consolidated and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Companies Act, 1862." Short Title.

2. This Act, with the Exception of such temporary Enactment as is herein-after declared to come into operation immediately, shall not come into operation until the Second Day of *November* One thousand eight hundred and sixty-two, and the Time at which it so comes into operation is herein-after referred to as the Commencement of this Act. Commencement of Act.

3. For the Purposes of this Act a Company that carries on the Business of Insurance in common with any other Business or Businesses shall be deemed to be an Insurance Company. Definition of Insurance Company.

 4. No

Prohibition of Partnerships exceeding certain Number.

4. No Company, Association, or Partnership consisting of more than Ten Persons shall be formed, after the Commencement of this Act, for the Purpose of carrying on the Business of Banking, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act of Parliament, or of Letters Patent; and no Company, Association, or Partnership consisting of more than Twenty Persons shall be formed, after the Commencement of this Act, for the Purpose of carrying on any other Business that has for its Object the Acquisition of Gain by the Company, Association, or Partnership, or by the individual Members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act of Parliament, or of Letters Patent, or is a Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries.

Division of Act.

5. This Act is divided into Nine Parts, relating to the following Subject Matters:

The First Part,—to the Constitution and Incorporation of Companies and Associations under this Act:

The Second Part,—to the Distribution of the Capital and Liability of Members of Companies and Associations under this Act:

The Third Part,—to the Management and Administration of Companies and Associations under this Act:

The Fourth Part,—to the winding up of Companies and Associations under this Act:

The Fifth Part,—to the Registration Office:

The Sixth Part,—to Application of this Act to Companies registered under the Joint Stock Companies Acts:

The Seventh Part,—to Companies authorized to register under this Act:

The Eighth Part,—to Application of this Act to unregistered Companies:

The Ninth Part,—to Repeal of Acts, and temporary Provisions.

PART I.

Constitution and Incorporation of Companies and Associations under this Act.

Memorandum of Association.

Mode of forming Company.

6. Any Seven or more Persons associated for any lawful Purpose may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form an incorporated Company, with or without limited Liability.

Mode of limiting Liability of Members.

7. The Liability of the Members of a Company formed under this Act may, according to the Memorandum of Association, be limited

limited either to the Amount, if any, unpaid on the Shares respectively held by them, or to such Amount as the Members may respectively undertake by the Memorandum of Association to contribute to the Assets of the Company in the event of its being wound up.

Memorandum of Association of a Company limited by Shares.

8. Where a Company is formed on the Principle of having the Liability of its Members limited to the Amount unpaid on their Shares, herein-after referred to as a Company limited by Shares, the Memorandum of Association shall contain the following Things; (that is to say,)

(1.) The Name of the proposed Company, with the Addition of the Word "Limited" as the last Word in such Name:

(2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate:

(3.) The Objects for which the proposed Company is to be established:

(4.) A Declaration that the Liability of the Members is limited:

(5.) The Amount of Capital with which the Company proposes to be registered divided into Shares of a certain fixed Amount:

Subject to the following Regulations:

(1.) That no Subscriber shall take less than One Share:

(2.) That each Subscriber of the Memorandum of Association shall write opposite to his Name the Number of Shares he takes.

Memorandum of Association of a Company limited by Guarantee.

9. Where a Company is formed on the Principle of having the Liability of its Members limited to such Amount as the Members respectively undertake to contribute to the Assets of the Company in the event of the same being wound up, herein-after referred to as a Company limited by Guarantee, the Memorandum of Association shall contain the following Things; (that is to say,)

(1.) The Name of the proposed Company, with the Addition of the Word "Limited" as the last Word in such Name:

(2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate:

(3.) The Objects for which the proposed Company is to be established:

(4.) A Declaration that each Member undertakes to contribute to the Assets of the Company, in the event of the same being wound up, during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and of the Costs, Charges, and Expenses of winding up the Company, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required, not exceeding a specified Amount.

10. Where

Memorandum of Association of an Unlimited Company.

10. Where a Company is formed on the Principle of having no Limit placed on the Liability of its Members, herein-after referred to as an Unlimited Company, the Memorandum of Association shall contain the following Things; (that is to say,)

(1.) The Name of the proposed Company:

(2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate:

(3.) The Objects for which the proposed Company is to be established.

Stamp, Signature, and Effect of Memorandum of Association.

11. The Memorandum of Association shall bear the same Stamp as if it were a Deed, and shall be signed by each Subscriber in the Presence of, and be attested by, One Witness at the least, and that Attestation shall be a sufficient Attestation in *Scotland* as well as in *England* and *Ireland*: It shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in the Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to observe all the Conditions of such Memorandum, subject to the Provisions of this Act.

Power of certain Companies to alter Memorandum of Association.

12. Any Company limited by Shares may so far modify the Conditions contained in its Memorandum of Association, if authorized to do so by its Regulations as originally framed, or as altered by special Resolution in manner herein-after mentioned, as to increase its Capital, by the Issue of new Shares of such Amount as it thinks expedient, or to consolidate and divide its Capital into Shares of larger Amount than its existing Shares, or to convert its paid-up Shares into Stock, but, save as aforesaid, and save as is herein-after provided in the Case of a Change of Name, no Alteration shall be made by any Company in the Conditions contained in its Memorandum of Association.

Power of Companies to change Name.

13. Any Company under this Act, with the Sanction of a special Resolution of the Company passed in manner herein-after mentioned, and with the Approval of the Board of Trade testified in Writing under the Hand of One of its Secretaries or Assistant Secretaries, may change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, and shall issue a Certificate of Incorporation altered to meet the Circumstances of the Case; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Articles

Articles of Association.

14. The Memorandum of Association may, in the Case of a Company limited by Shares, and shall, in the Case of a Company limited by Guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the Subscribers to the Memorandum of Association, and prescribing such Regulations for the Company as the Subscribers to the Memorandum of Association deem expedient: The Articles shall be expressed in separate Paragraphs, numbered arithmetically: They may adopt all or any of the Provisions contained in the Table marked A. in the First Schedule hereto: They shall, in the Case of a Company, whether limited by Guarantee or unlimited, that has a Capital divided into Shares, state the Amount of Capital with which the Company proposes to be registered; and in the Case of a Company, whether limited by Guarantee or unlimited, that has not a Capital divided into Shares, state the Number of Members with which the Company proposes to be registered, for the Purpose of enabling the Registrar to determine the Fees payable on Registration: In a Company limited by Guarantee or unlimited, and having a Capital divided into Shares, each Subscriber shall take One Share at the least, and shall write opposite to his Name in the Memorandum of Association the Number of Shares he takes.

Regulations to be prescribed by Articles of Association.

15. In the Case of a Company limited by Shares, if the Memorandum of Association is not accompanied by Articles of Association, or in so far as the Articles do not exclude or modify the Regulations contained in the Table marked A. in the First Schedule hereto, the last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company in the same Manner and to the same Extent as if they had been inserted in Articles of Association, and the Articles had been duly registered.

Application of Table A.

16. The Articles of Association shall be printed, they shall bear the same Stamp as if they were contained in a Deed, and shall be signed by each Subscriber in the Presence of, and be attested by, One Witness at the least, and such Attestation shall be a sufficient Attestation in *Scotland* as well as in *England* and *Ireland*: When registered, they shall bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Articles contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to all the Regulations contained in such Articles, subject to the Provisions of this Act; and all Monies payable by any Member to the Company, in pursuance of the Conditions and Regulations of the Company, or any of such Conditions or Regulations, shall be deemed to be a Debt due from such Member to the Company, and in *England* and *Ireland* to be in the Nature of a Specialty Debt.

Stamp, Signature, and Effect of Articles of Association.

General Provisions.

Registration of Memorandum of Association and Articles of Association, with Fees as in Table B.

17. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies herein-after mentioned, who shall retain and register the same: There shall be paid to the Registrar by a Company having a Capital divided into Shares, in respect of the several Matters mentioned in the Table marked B. in the First Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and by a Company not having a Capital divided into Shares, in respect of the several Matters mentioned in the Table marked C. in the First Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct: All Fees paid to the said Registrar in pursuance of this Act shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland.*

Effect of Registration.

18. Upon the Registration of the Memorandum of Association, and of the Articles of Association in Cases where Articles of Association are required by this Act or by the Desire of the Parties to be registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Members of the Company, shall thereupon be a Body Corporate by the Name contained in the Memorandum of Association, capable forthwith of exercising all the Functions of an incorporated Company, and having perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned: A Certificate of the Incorporation of any Company given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with.

Copies of Memorandum and Articles to be given to Members.

19. A Copy of the Memorandum of Association, having annexed thereto the Articles of Association, if any, shall be forwarded to every Member, at his Request, on Payment of the Sum of One Shilling or such less Sum as may be prescribed by the Company for each Copy; and if any Company makes default in forwarding a Copy of the Memorandum of Association and Articles of Association, if any, to a Member, in pursuance of this Section, the Company so making default shall for each Offence incur a Penalty not exceeding One Pound.

Prohibition against Identity of

20. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling

resembling the same as to be calculated to deceive, except in a Case where such subsisting Company is in the Course of being dissolved and testifies its Consent in such Manner as the Registrar requires; and if any Company, through Inadvertence or otherwise, is, without such Consent as aforesaid, registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, and shall issue a Certificate of Incorporation altered to meet the Circumstances of the Case; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Names in Companies.

21. No Company formed for the Purpose of promoting Art, Science, Religion, Charity, or any other like Object, not involving the Acquisition of Gain by the Company or by the individual Members thereof, shall, without the Sanction of the Board of Trade, hold more than Two Acres of Land; but the Board of Trade may, by Licence under the Hand of One of their Principal Secretaries or Assistant Secretaries, empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit.

Prohibition against certain Companies holding Land.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

22. The Shares or other Interest of any Member in a Company under this Act shall be Personal Estate, capable of being transferred in manner provided by the Regulations of the Company, and shall not be of the Nature of Real Estate, and each Share shall, in the Case of a Company having a Capital divided into Shares, be distinguished by its appropriate Number.

Nature of Interest in Company.

23. The Subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become Members of the Company whose Memorandum they have subscribed, and upon the Registration of the Company shall be entered as Members on the Register of Members herein-after mentioned; and every other Person who has agreed to become a Member of a Company under this Act, and whose Name is entered on the Register of Members, shall be deemed to be a Member of the Company.

Definition of "Member."

24. Any

Transfer by Personal Representative.

24. Any Transfer of the Share or other Interest of a deceased Member of a Company under this Act, made by his Personal Representative, shall, notwithstanding such Personal Representative may not himself be a Member, be of the same Validity as if he had been a Member at the Time of the Execution of the Instrument of Transfer.

Register of Members.

25. Every Company under this Act shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars:

(1.) The Names and Addresses, and the Occupations, if any, of the Members of the Company, with the Addition, in the Case of a Company having a Capital divided into Shares, of a Statement of the Shares held by each Member, distinguishing each Share by its Number: And of the Amount paid or agreed to be considered as paid on the Shares of each Member:

(2.) The Date at which the Name of any Person was entered in the Register as a Member:

(3.) The Date at which any Person ceased to be a Member:

And any Company acting in contravention of this Section shall incur a Penalty not exceeding Five Pounds for every Day during which its Default in complying with the Provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such Contravention shall incur the like Penalty.

Annual List of Members.

26. Every Company under this Act, and having a Capital divided into Shares, shall make, once at least in every Year, a List of all Persons who, on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting, or if there is more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Members of the Company; and such List shall state the Names, Addresses, and Occupations of all the Members therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars:

(1.) The Amount of the Capital of the Company, and the Number of Shares into which it is divided:

(2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:

(3.) The Amount of Calls made on each Share:

(4.) The total Amount of Calls received:

(5.) The total Amount of Calls unpaid:

(6.) The total Amount of Shares forfeited:

(7.) The Names, Addresses, and Occupations of the Persons who have ceased to be Members since the last List was made, and the Number of Shares held by each of them.

The

The above List and Summary shall be contained in a separate Part of the Register, and shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

Penalty on Company, &c. not keeping a proper Register.

27. If any Company under this Act, and having a Capital divided into Shares, makes default in complying with the Provisions of this Act with respect to forwarding such List of Members or Summary as is herein-before mentioned to the Registrar, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Company to give Notice of Consolidation or of Conversion of Capital into Stock.

28. Every Company under this Act, having a Capital divided into Shares, that has consolidated and divided its Capital into Shares of larger Amount than its existing Shares, or converted any Portion of its Capital into Stock, shall give Notice to the Registrar of Joint Stock Companies of such Consolidation, Division, or Conversion, specifying the Shares so consolidated, divided, or converted.

Effect of Conversion of Shares into Stock.

29. Where any Company under this Act, and having a Capital divided into Shares, has converted any Portion of its Capital into Stock, and given Notice of such Conversion to the Registrar, all the Provisions of this Act which are applicable to Shares only shall cease as to so much of the Capital as is converted into Stock; and the Register of Members hereby required to be kept by the Company, and the List of Members to be forwarded to the Registrar, shall show the Amount of Stock held by each Member in the List instead of the Amount of Shares and the Particulars relating to Shares herein-before required.

Entry of Trusts on Register.

30. No Notice of any Trust, expressed, implied, or constructive, shall be entered on the Register, or be receivable by the Registrar, in the Case of Companies under this Act and registered in *England* or *Ireland*.

Certificate of Shares or Stock.

31. A Certificate, under the Common Seal of the Company, specifying any Share or Shares or Stock held by any Member of a Company, shall be *primâ facie* Evidence of the Title of the Member to the Share or Shares or Stock therein specified.

Inspection of Register.

32. The Register of Members, commencing from the Date of the Registration of the Company, shall be kept at the registered Office of the Company herein-after mentioned: Except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed

appointed for Inspection, be open to the Inspection of any Member gratis, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe, for each Inspection; and every such Member or other Person may require a Copy of such Register, or of any Part thereof, or of such List or Summary of Members as is herein-before mentioned, on Payment of Sixpence for every Hundred Words required to be copied: If such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues, and every Director and Manager of the Company who shall knowingly authorize or permit such Refusal shall incur the like Penalty; and in addition to the above Penalty, as respects Companies registered in *England* and *Ireland*, any Judge sitting in Chambers, or the Vice Warden of the Stannaries, in the Case of Companies subject to his Jurisdiction, may by Order compel an immediate Inspection of the Register.

Power to close Register.

33. Any Company under this Act may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any Time or Times not exceeding in the whole Thirty Days in each Year.

Notice of Increase of Capital and of Members to be given to Registrar.

34. Where a Company has a Capital divided into Shares, whether such Shares may or may not have been converted into Stock, Notice of any Increase in such Capital beyond the registered Capital, and where a Company has not a Capital divided into Shares, Notice of any Increase in the Number of Members beyond the registered Number, shall be given to the Registrar in the Case of an Increase of Capital, within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and in the Case of an Increase of Members within Fifteen Days from the Time at which such Increase of Members has been resolved on or has taken place, and the Registrar shall forthwith record the Amount of such Increase of Capital or Members: If such Notice is not given within the Period aforesaid the Company, in default shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Remedy for improper Entry or Omission of Entry in Register.

35. If the Name of any Person is, without sufficient Cause, entered in or omitted from the Register of Members of any Company under this Act, or if Default is made or unnecessary Delay takes place in entering on the Register the Fact of any Person having ceased to be a Member of the Company, the Person or Member aggrieved, or any

any Member of the Company, or the Company itself, may, as respects Companies registered in *England* or *Ireland*, by Motion in any of Her Majesty's Superior Courts, of Law or Equity, or by Application to a Judge sitting in Chambers, or to the Vice Warden of the Stannaries in the Case of Companies subject to his Jurisdiction, and as respects Companies registered in *Scotland* by summary Petition to the Court of Session, or in such other Manner as the said Courts may direct, apply for an Order of the Court that the Register may be rectified; and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion, Application, or Petition, and any Damages the Party aggrieved may have sustained: The Court may in any Proceeding under this Section decide on any Question relating to the Title of any Person who is a Party to such Proceeding to have his Name entered in or omitted from the Register, whether such Question arises between Two or more Members or alleged Members, or between any Members or alleged Members and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register; provided that the Court, if a Court of Common Law, may direct an Issue to be tried, in which any Question of Law may be raised, and a Writ of Error or Appeal, in the Manner directed by "The Common Law Procedure Act, 1854," shall lie.

36. Whenever any Order has been made rectifying the Register, in the Case of a Company hereby required to send a List of its Members to the Registrar, the Court shall, by its Order, direct that due Notice of such Rectification be given to the Registrar. Notice to Registrar of Rectification of Register.

37. The Register of Members shall be *primâ facie* Evidence of any Matters by this Act directed or authorized to be inserted therein. Register to be Evidence.

Liability of Members.

38. In the event of a Company formed under this Act being wound up, every present and past Member of such Company shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following; (that is to say,) Liability of present and past Members of Company.

(1.) No past Member shall be liable to contribute to the Assets of the Company if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up:

(2.) N

(2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Company contracted after the Time at which he ceased to be a Member:

(3.) No past Member shall be liable to contribute to the Assets of the Company unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in pursuance of this Act:

(4.) In the Case of a Company limited by Shares, no Contribution shall be required from any Member exceeding the Amount, if any, unpaid on the Shares in respect of which he is liable as a present or past Member:

(5.) In the Case of a Company limited by Guarantee, no Contribution shall be required from any Member exceeding the Amount of the Undertaking entered into on his Behalf by the Memorandum of Association:

(6.) Nothing in this Act contained shall invalidate any Provision contained in any Policy of Insurance or other Contract whereby the Liability of individual Members upon any such Policy or Contract is restricted, or whereby the Funds of the Company are alone made liable in respect of such Policy or Contract:

(7.) No Sum due to any Member of a Company, in his Character of a Member, by way of Dividends, Profits, or otherwise, shall be deemed to be a Debt of the Company, payable to such Member in a Case of Competition between himself and any other Creditor not being a Member of the Company; but any such Sum may be taken into account, for the Purposes of the final Adjustment of the Rights of the Contributories amongst themselves.

PART III.

Management and Administration of Companies and Associations under this Act.

Provisions for Protection of Creditors.

Registered Office of Company.

39. Every Company under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Company under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Notice of Situation of registered Office.

40. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

41. Every

41. Every Limited Company under this Act, whether limited by Shares or by Guarantee, shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Company.

Publication of Name by a Limited Company.

42. If any Limited Company under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall be liable to the like Penalty; and if any Director, Manager, or Officer of such Company, or any Person on its Behalf, uses or authorizes the Use of any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

Penalties on Nonpublication of Name.

43. Every Limited Company under this Act shall keep a Register of all Mortgages and Charges specifically affecting Property of the Company, and shall enter in such Register in respect of each Mortgage or Charge a short Description of the Property mortgaged or charged, the Amount of Charge created, and the Names of the Mortgagees or Persons entitled to such Charge: If any Property of the Company is mortgaged or charged without such Entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the Omission of such Entry shall incur a Penalty not exceeding Fifty Pounds: The Register of Mortgages required by this Section shall be open to Inspection by any Creditor or Member of the Company at all reasonable

Register of Mortgages.

sonable Times; and if such Inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such Refusal, shall incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues; and in addition to the above Penalty, as respects Companies registered in *England* and *Ireland*, any Judge sitting in Chambers, or the Vice Warden of the Stannaries in the Case of Companies subject to his Jurisdiction, may by Order compel an immediate Inspection of the Register.

Certain Companies to publish Statement entered in Schedule.

44 Every Limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences Business, and also on the First *Monday* in *February* and the First *Monday* in *August* in every Year during which it carries on Business, make a Statement in the Form marked D. in the First Schedule hereto, or as near thereto as Circumstances will admit, and a Copy of such Statement shall be put up in a conspicuous Place in the registered Office of the Company, and in every Branch Office or Place where the Business of the Company is carried on, and if Default is made in compliance with the Provisions of this Section the Company shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Every Member and every Creditor of any Company mentioned in this Section shall be entitled to a Copy of the above-mentioned Statement on Payment of a Sum not exceeding Sixpence.

List of Directors to be sent to Registrar.

45. Every Company under this Act, and not having a Capital divided into Shares, shall keep at its registered Office a Register containing the Names and Addresses and the Occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a Copy of such Register, and shall from Time to Time notify to the Registrar any Change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

46. If any Company under this Act, and not having a Capital divided into Shares, makes default in keeping a Register of its Directors or Managers, or in sending a Copy of such Register to the Registrar in compliance with the foregoing Rules, or in notifying to the Registrar any Change that takes place in such Directors or Managers, such delinquent Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

47. A Pro-

47. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the Authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any Person acting under the Authority of the Company.

Promissory Notes and Bills of Exchange.

48. If any Company under this Act carries on Business when the Number of its Members is less than Seven for a Period of Six Months after the Number has been so reduced, every Person who is a Member of such Company during the Time that it so carries on Business after such Period of Six Months, and is cognizant of the Fact that it is so carrying on Business with fewer than Seven Members, shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same, without the Joinder in the Action or Suit of any other Member.

Prohibition against carrying on Business with less than Seven Members.

Provisions for Protection of Members.

49. A General Meeting of every Company under this Act shall be held once at the least in every Year.

General Meeting of Company.

50. Subject to the Provisions of this Act, and to the Conditions contained in the Memorandum of Association, any Company formed under this Act may, in General Meeting, from Time to Time, by passing a Special Resolution in manner herein-after mentioned, alter all or any of the Regulations of the Company contained in the Articles of Association or in the Table marked A. in the First Schedule, where such Table is applicable to the Company, or make new Regulations to the Exclusion of or in addition to all or any of the Regulations of the Company; and any Regulations so made by Special Resolution shall be deemed to be Regulations of the Company of the same Validity as if they had been originally contained in the Articles of Association, and shall be subject in like Manner to be altered or modified by any subsequent Special Resolution.

Power to alter Regulations by Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special whenever a Resolution has been passed by a Majority of not less than Three Fourths of such Members of the Company for the Time being entitled, according to the Regulations of the Company, to vote as may be present, in Person or by Proxy (in Cases where by the Regulations of the Company Proxies are allowed), at any General Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled, according to the Regulations of the Company, to vote as may be present, in Person or by Proxy, at a subsequent General

Definition of Special Resolution.

General Meeting, of which Notice has been duly given, and held at an Interval of not less than Fourteen Days, nor more than One Month from the Date of the Meeting at which such Resolution was first passed: At any Meeting mentioned in this Section, unless a Poll is demanded by at least Five Members, a Declaration of the Chairman that the Resolution has been carried shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company: In computing the Majority under this Section, when a Poll is demanded, Reference shall be had to the Number of Votes to which each Member is entitled by the Regulations of the Company.

Provision where no Regulations as to Meetings.

52. In default of any Regulations as to voting every Member shall have One Vote, and in default of any Regulations as to summoning General Meetings a Meeting shall be held to be duly summoned of which Seven Days Notice in Writing has been served on every Member in manner in which Notices are required to be served by the Table marked A. in the First Schedule hereto, and in default of any Regulations as to the Persons to summon Meetings Five Members shall be competent to summon the same, and in default of any Regulations as to who is to be Chairman of such Meeting, it shall be competent for any Person elected by the Members present to preside.

Registry of Special Resolutions.

53. A Copy of any Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the Confirmation of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a Copy of every Special Resolution for the Time being in force shall be annexed to or embodied in every Copy of the Articles of Association that may be issued after the passing of such Resolution: Where no Articles of Association have been registered, a Copy of any Special Resolution shall be forwarded in Print to any Member requesting the same on Payment of One Shilling, or such less Sum

as

as the Company may direct: And if any Company makes Default in complying with the Provisions of this Section it shall incur a Penalty not exceeding One Pound for each Copy in respect of which such Default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Execution of Deeds abroad.

55. Any Company under this Act may, by Instrument in Writing under its Common Seal, empower any Person, either generally or in respect of any specified Matters, as its Attorney, to execute Deeds on its Behalf in any Place not situate in the United Kingdom; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company, and have the same Effect as if it were under the Common Seal of the Company.

Examination of Affairs of Company by Inspectors.

56. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of any Company under this Act, and to report thereon, in such Manner as the Board may direct, upon the Applications following; (that is to say,)

(1.) In the Case of a Banking Company that has a Capital divided into Shares, upon the Application of Members holding not less than One Third Part of the whole Shares of the Company for the Time being issued:

(2.) In the Case of any other Company that has a Capital divided into Shares, upon the Application of Members holding not less than One Fifth Part of the whole Shares of the Company for the Time being issued:

(3.) In the Case of any Company not having a Capital divided into Shares upon the Application of Members being in Number not less than One Fifth of the whole Number of Persons for the Time being entered on the Register of the Company as Members.

Application for Inspection to be supported by Evidence.

57. The Application shall be supported by such Evidence as the Board of Trade may require for the Purpose of showing that the Applicants have good Reason for requiring such Investigation to be made, and that they are not actuated by malicious Motives in instituting the same; the Board of Trade may also require the Applicants to give Security for Payment of the Costs of the Inquiry before appointing any Inspector or Inspectors.

Inspection of Books.

58. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any Book or Document hereby directed

to be produced, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Result of Examination how dealt with.

59. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same to be paid out of the Assets of the Company, which it is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by Special Resolution appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs; and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document hereby required to be produced to such Inspectors, or to answer any Question, as they would have incurred if such Inspector had been appointed by the Board of Trade.

Report of Inspectors to be Evidence.

61. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible in any legal Proceeding, as Evidence of the Opinion of the Inspectors in relation to any Matter contained in such Report.

Notices.

Service of Notices on Company.

62. Any Summons, Notice, Order, or other Document required to be served upon the Company may be served by leaving the same, or sending it through the Post in a prepaid Letter addressed to the Company, at their registered Office.

Rules as to Notices by Letter.

63. Any Document to be served by Post on the Company shall be posted in such Time as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the Service thereof; and in proving Service of such Document it shall be sufficient to prove that such Document was properly directed, and that it was put as a prepaid Letter into the Post Office.

64. Any

Companies, &c.
(*Part III., Management and Administration.*)

64. Any Summons, Notice, Order, or Proceeding requiring Authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print. Authentication of Notices of Company.

Legal Proceedings.

65. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or any Act amending the same; and as to *Scotland*, before Two or more Justices or the Sheriff of the County, in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend and consolidate the Acts relating to Merchant Shipping*, or any Act amending the same, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act amending the same. Recovery of Penalties.

66. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom. Application of Penalties.

67. Every Company under this Act shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in Cases where there are Directors or Managers, to be duly entered in Books to be from Time to Time provided for the Purpose; and any such Minute as aforesaid, if purporting to be signed by the Chairman of the Meeting at which such Resolutions were passed or Proceedings Evidence of Proceedings at Meetings.

ceedings had, or by the Chairman of the next succeeding Meeting, shall be received as Evidence in all legal Proceedings; and until the contrary is proved, every General Meeting of the Company or Meeting of Directors or Managers in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or Proceedings had, to have been duly passed and had, and all Appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all Acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any Defect that may afterwards be discovered in their Appointments or Qualifications.

Jurisdiction of Vice Warden of Stannaries.

68. In the Case of Companies under this Act, and engaged in working Mines within and subject to the Jurisdiction of the Stannaries, the Court of the Vice Warden of the Stannaries shall have and exercise the like Jurisdiction and Powers, as well on the Common Law as on the Equity Side thereof, which it now possesses by Custom, Usage, or Statute in the Case of unincorporated Companies, but only so far as such Jurisdiction or Powers are consistent with the Provisions of this Act and with the Constitution of Companies as prescribed or required by this Act; and for the Purpose of giving fuller Effect to such Jurisdiction in all Actions, Suits, or legal Proceedings instituted in the said Court, in Causes or Matters whereof the Court has Cognizance, all Process issuing out of the same, and all Orders, Rules, Demands, Notices, Warrants, and Summonses required or authorized by the Practice of the Court to be served on any Company, whether registered or not registered, or any Member or Contributory thereof, or any Officer, Agent, Director, Manager, or Servant thereof, may be served in any Part of *England* without any Special Order of the Vice Warden for that Purpose, or by such special Order may be served in any Part of the United Kingdom of *Great Britain* and *Ireland*, or in the adjacent Islands, Parcel of the Dominions of the Crown, on such Terms and Conditions as the Court shall think fit; and all Decrees, Orders, and Judgments of the said Court made or pronounced in such Causes or Matters may be enforced in the same Manner in which Decrees, Orders, and Judgments of the Court may now by Law be enforced, whether within or beyond the local Limits of the Stannaries; and the Seal of the said Court, and the Signature of the Registrar thereof, shall be judicially noticed by all other Courts and Judges in *England*, and shall require no other Proof than the Production thereof: The Registrar of the said Court, or the Assistant Registrar, in making Sales under any Decree or Order of the Court shall be entitled to the same Privilege of selling by Auction or Competition without a Licence, and without being liable to Duty, as a Judge of the Court of Chancery is entitled to in pursuance of the Acts in that Behalf.

69. Where

69. Where a Limited Company is Plaintiff or Pursuer in any Action, Suit, or other legal Proceeding, any Judge having Jurisdiction in the Matter may, if it appears by any credible Testimony that there is Reason to believe that if the Defendant be successful in his Defence the Assets of the Company will be insufficient to pay his Costs, require sufficient Security to be given for such Costs, and may stay all Proceedings until such Security is given.

Provision as to Costs in Actions brought by certain Limited Companies.

70. In any Action or Suit brought by the Company against any Member to recover any Call or other Monies due from such Member in his Character of Member, it shall not be necessary to set forth the special Matter, but it shall be sufficient to allege that the Defendant is a Member of the Company, and is indebted to the Company in respect of a Call made or other Monies due whereby an Action or Suit hath accrued to the Company.

Declaration in Action against Members.

Alteration of Forms.

71. The Forms set forth in the Second Schedule hereto, or Forms as near thereto as Circumstances admit, shall be used in all Matters to which such Forms refer; the Board of Trade may from Time to Time make such Alterations in the Tables and Forms contained in the First Schedule hereto, so that it does not increase the Amount of Fees payable to the Registrar in the said Schedule mentioned, and in the Forms in the Second Schedule, or make such Additions to the last-mentioned Forms, as it deems requisite: Any such Table or Form, when altered, shall be published in the *London Gazette*, and upon such Publication being made such Table or Form shall have the same Force as if it were included in the Schedule to this Act, but no Alteration made by the Board of Trade in the Table marked A. contained in the First Schedule shall affect any Company registered prior to the Date of such Alteration, or repeal, as respects such Company, any Portion of such Table.

Board of Trade may alter Forms in Schedule.

Arbitrations.

72. Any Company under this Act may from Time to Time, by Writing under its Common Seal, agree to refer and may refer to Arbitration, in accordance with "The Railway Companies Arbitration Act, 1859," any existing or future Difference, Question, or other Matter whatsoever in dispute between itself and any other Company or Person, and the Companies Parties to the Arbitration may delegate to the Person or Persons to whom the Reference is made Power to settle any Terms or to determine any Matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing Body of such Companies.

Power for Companies to refer Matters to Arbitration.

73. All

Provisions of 22 & 23 Vict. c. 59. to apply.

73. All the Provisions of "The Railway Companies Arbitration Act, 1859," shall be deemed to apply to Arbitrations between Companies and Persons in pursuance of this Act; and in the Construction of such Provisions "the Companies" shall be deemed to include Companies authorized by this Act to refer Disputes to Arbitration.

PART IV.

Winding up of Companies and Associations under this Act.

Preliminary.

Meaning of Contributory.

74. The Term "Contributory" shall mean every Person liable to contribute to the Assets of a Company under this Act, in the event of the same being wound up: It shall also, in all Proceedings for determining the Persons who are to be deemed Contributories, and in all Proceedings prior to the final Determination of such Persons, include any Person alleged to be a Contributory.

Nature of Liability of Contributory.

75. The Liability of any Person to contribute to the Assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a Debt (in *England* and *Ireland* of the Nature of a Specialty) accruing due from such Person at the Time when his Liability commenced, but payable at the Time or respective Times when Calls are made as herein-after mentioned for enforcing such Liability; and it shall be lawful in the Case of the Bankruptcy of any Contributory to prove against his Estate the estimated Value of his Liability to future Calls, as well as Calls already made.

Contributories in case of Death.

76. If any Contributory dies either before or after he has been placed on the List of Contributories herein-after mentioned, his Personal Representatives, Heirs, and Devisees shall be liable in a due Course of Administration to contribute to the Assets of the Company in discharge of the Liability of such deceased Contributory, and such Personal Representatives, Heirs, and Devisees shall be deemed to be Contributories accordingly.

Contributories in case of Bankruptcy.

77. If any Contributory becomes bankrupt, either before or after he has been placed on the List of Contributories, his Assignees shall be deemed to represent such Bankrupt for all the Purposes of the Winding-up, and shall be deemed to be Contributories accordingly, and may be called upon to admit to Proof against the Estate of such Bankrupt, or otherwise to allow to be paid out of his Assets in due Course of Law, any Monies due from such Bankrupt in respect of his Liability to contribute to the Assets of the Company being wound up; and for the Purposes of this Section any Person who may have taken the Benefit of any Act for the Relief of Insolvent Debtors before the Eleventh Day

Day of *October* One thousand eight hundred and sixty-one shall be deemed to have become bankrupt.

78. If any Female Contributory marries, either before or after she has been placed on the List of Contributories, her Husband shall during the Continuance of the Marriage be liable to contribute to the Assets of the Company the same Sum as she would have been liable to contribute if she had not married, and he shall be deemed to be a Contributory accordingly.

Contributories in case of Marriage.

Winding up by Court.

79. A Company under this Act may be wound up by the Court as herein-after defined, under the following Circumstances; (that is to say,)

Circumstances under which Company may be wound up by Court.

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year:

(3.) Whenever the Members are reduced in Number to less than Seven:

(4.) Whenever the Company is unable to pay its Debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

80. A Company under this Act shall be deemed to be unable to pay its Debts,

Company when deemed unable to pay its Debts.

(1.) Whenever a Creditor, by Assignment or otherwise, to whom the Company is indebted, at Law or in Equity, in a Sum exceeding Fifty Pounds then due, has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the reasonable Satisfaction of the Creditor:

(2.) Whenever, in *England* and *Ireland*, Execution or other Process issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor, at Law or in Equity, in any Proceeding instituted by such Creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever, in *Scotland*, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest have expired without Payment being made:

(4.) Whenever it is proved to the Satisfaction of the Court that the Company is unable to pay its Debts.

81. The

Definition of "the Court."

81. The Expression "the Court," as used in this Part of this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice Warden of the Stannaries, unless the Vice Warden certifies that in his Opinion the Company would be more advantageously wound up in the High Court of Chancery, in which Case "the Court" shall mean the High Court of Chancery:

In the Case of a Company registered in *England* that is not engaged in working any such Mine as aforesaid,—the High Court of Chancery:

In the Case of a Company registered in *Ireland*, the Court of Chancery in *Ireland*:

In all Cases of Companies registered in *Scotland*, the Court of Session in either Division thereof:

Provided that where the Court of Chancery in *England* or *Ireland* makes an Order for winding up a Company under this Act, it may, if it thinks fit, direct all subsequent Proceedings for winding up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate; and thereupon such last-mentioned Court of Bankruptcy shall, for the Purposes of winding up the Company, be deemed to be "the Court" within the Meaning of the Act, and shall have for the Purposes of such winding-up all the Powers of the High Court of Chancery, or of the Court of Chancery in *Ireland*, as the Case may require.

Application for winding up to be made by Petition.

82. Any Application to the Court for the winding up of a Company under this Act shall be by Petition; it may be presented by the Company, or by any One or more Creditor or Creditors, Contributory or Contributories of the Company, or by all or any of the above Parties, together or separately; and every Order which may be made on any such Petition shall operate in favour of all the Creditors and all the Contributories of the Company in the same Manner as if it had been made upon the joint Petition of a Creditor and a Contributory.

Power of Court.

83. Any Judge of the High Court of Chancery may do in Chambers any Act which the Court is hereby authorized to do; and the Vice Warden of the Stannaries may direct that a Petition for winding up a Company be heard by him at such Time and at such Place within the Jurisdiction of the Stannaries, or within or near to the Place where the registered Office of the Company is situated, as he may deem to be convenient to the Parties concerned, or (with the Consent of the Parties concerned) at any Place in *England*; and all Orders made thereupon shall have the same Force and Effect as if they had been made by the Vice Warden sitting at *Truro* or elsewhere within the Jurisdiction of the Court, and all Parties and Persons summoned

summoned to attend at the Hearing of any such Petition shall be compellable to give their Attendance before the Vice Warden by like Process and in like Manner as at the Hearing of any Cause or Matter at the usual Sitting of the said Court; and the Registrar of the Court may, subject to Exception or Appeal to the Vice-Warden as heretofore used, do and exercise such and the like Acts and Powers in the Matter of winding up as he is now used to do and exercise in a Suit on the Equity Side of the said Court.

Commencement of winding up by Court.

84. A Winding-up of a Company by the Court shall be deemed to commence at the Time of the Presentation of the Petition for the Winding-up.

Court may grant Injunction.

85. The Court may, at any Time after the Presentation of a Petition for winding up a Company under this Act, and before making an Order for winding up the Company, upon the Application of the Company, or of any Creditor or Contributory of the Company, restrain further Proceedings in any Action, Suit, or Proceeding against the Company, upon such Terms as the Court thinks fit; the Court may also at any Time after the Presentation of such Petition, and before the First Appointment of Liquidators, appoint provisionally an Official Liquidator of the Estate and Effects of the Company.

Course to be pursued by Court on hearing Petition.

86. Upon hearing the Petition the Court may dismiss the same with or without Costs, may adjourn the Hearing conditionally or unconditionally, and may make any Interim Order, or any other Order that it deems just.

Actions and Suits to be stayed after Order for winding up.

87. When an Order has been made for winding up a Company under this Act no Suit, Action, or other Proceeding shall be proceeded with or commenced against the Company except with the Leave of the Court, and subject to such Terms as the Court may impose.

Copy of Order to be forwarded to Registrar.

88. When an Order has been made for winding up a Company under this Act, a Copy of such Order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay Proceedings.

89. The Court may at any Time after an Order has been made for winding up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit.

 90. When

Effect of Order on Share Capital of Company limited by Guarantee.

90. When an Order has been made for winding up a Company limited by Guarantee and having a Capital divided into Shares, any Share Capital that may not have been called up shall be deemed to be Assets of the Company, and to be a Debt (in *England* and *Ireland* of the Nature of a Specialty) due to the Company from each Member to the Extent of any Sums that may be unpaid on any Shares held by him, and payable at such Time as may be appointed by the Court.

Court may have regard to Wishes of Creditors or Contributories.

91. The Court may, as to all Matters relating to the Winding-up, have regard to the Wishes of the Creditors or Contributories, as proved to it by any sufficient Evidence, and may, if it thinks it expedient, direct Meetings of the Creditors or Contributories to be summoned, held, and conducted in such Manner as the Court directs, for the Purpose of ascertaining their Wishes, and may appoint a Person to act as Chairman of any such Meeting, and to report the Result of such Meeting to the Court: In the Case of Creditors, regard is to be had to the Value of the Debts due to each Creditor, and in the Case of Contributories to the Number of Votes conferred on each Contributory by the Regulations of the Company.

Official Liquidators.

Appointment of Official Liquidator.

92. For the Purpose of conducting the Proceedings in winding up a Company, and assisting the Court therein, there may be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators; and the Court having Jurisdiction may appoint such Person or Persons, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidator or Official Liquidators; in all Cases if more Persons than One are appointed to the Office of Official Liquidator, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidator is to be done by all or any One or more of such Persons. The Court may also determine whether any and what Security is to be given by any Official Liquidator on his Appointment; if no Official Liquidator is appointed, or during any Vacancy in such Appointment, all the Property of the Company shall be deemed to be in the Custody of the Court.

Resignations, Removals, filling up Vacancies, and Compensation.

93. Any Official Liquidator may resign or be removed by the Court on due Cause shown: And any Vacancy in the Office of an Official Liquidator appointed by the Court shall be filled by the Court: There shall be paid to the Official Liquidator such Salary or Remuneration, by way of Per-centage or otherwise, as the Court may direct; and if more Liquidators than One are appointed such Remuneration shall be distributed amongst them in such Proportions as the Court directs.

94. The

94. The Official Liquidator or Liquidators shall be described by the Style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual Name or Names; he or they shall take into his or their Custody, or under his or their Control, all the Property, Effects, and Things in Actions to which the Company is or appears to be entitled, and shall perform such Duties in reference to the Winding-up of the Company as may be imposed by the Court.

Style and Duties of Official Liquidator.

95. The Official Liquidator shall have Power, with the Sanction of the Court, to do the following Things:

Powers of Official Liquidator.

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial winding up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power to transfer the whole thereof to any Person or Company, or to sell the same in Parcels:

To do all Acts and to execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents, and for that Purpose to use, when necessary, the Company's Seal:

To prove, rank, claim, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note in the Name and on behalf of the Company, also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by or on behalf of such Company in the course of carrying on the Business thereof:

To take out, if necessary, in his official Name, Letters of Administration to any deceased Contributory, and to do in his official Name any other Act that may be necessary for obtaining Payment of any Monies due from a Contributory or from his Estate, and which Act cannot be conveniently done in the Name of the Company; and in all Cases where he takes out Letters of Administration,

ministration, or otherwise uses his official Name for obtaining Payment of any Monies due from a Contributory, such Monies shall for the Purpose of enabling him to take out such Letters or recover such Monies, be deemed to be due to the Official Liquidator himself:

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.

Discretion of Official Liquidator.

96. The Court may provide by any Order that the Official Liquidator may exercise any of the above Powers without the Sanction or Intervention of the Court, and where an Official Liquidator is provisionally appointed may limit and restrict his Powers by the Order appointing him.

Appointment of Solicitor to Official Liquidator.

97. The Official Liquidator may, with the Sanction of the Court, appoint a Solicitor or Law Agent to assist him in the Performance of his Duties.

Ordinary Powers of Court.

Collection and Application of Assets.

98. As soon as may be after making an Order for winding up the Company, the Court shall settle a List of Contributories, with Power to rectify the Register of Members in all Cases where such Rectification is required in pursuance of this Act, and shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities.

Provision as to representative Contributories.

99. In settling the List of Contributories the Court shall distinguish between Persons who are Contributories in their own Right and Persons who are Contributories as being Representatives of or being liable to the Debts of others; it shall not be necessary, where the Personal Representative of any deceased Contributory is placed on the List, to add the Heirs or Devisees of such Contributory, nevertheless such Heirs or Devisees may be added as and when the Court thinks fit.

Power of Court to require Delivery of Property.

100. The Court may, at any Time after making an Order for winding up a Company, require any Contributory for the Time being settled on the List of Contributories, Trustee, Receiver, Banker, or Agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such Time as the Court directs, to or into the Hands of the Official Liquidator, any Sum or Balance, Books, Papers, Estate, or Effects which happen to be in his Hands for the Time being, and to which the Company is *primâ facie* entitled.

101. The

101. The Court may, at any Time after making an Order for winding up the Company, make an Order on any Contributory for the Time being settled on the List of Contributories, directing Payment to be made, in manner in the said Order mentioned, of any Monies due from him or from the Estate of the Person whom he represents to the Company, exclusive of any Monies which he or the Estate of the Person whom he represents may be liable to contribute by virtue of any Call made or to be made by the Court in pursuance of this Part of this Act; and it may, in making such Order, when the Company is not limited, allow to such Contributory by way of Set-off any Monies due to him or the Estate which he represents from the Company on any independent Dealing or Contract with the Company, but not any Monies due to him as a Member of the Company in respect of any Dividend or Profit:

Provided that when all the Creditors of any Company whether limited or unlimited are paid in full, any Monies due on any Account whatever to any Contributory from the Company may be allowed to him by way of Set-off against any subsequent Call or Calls.

Power of Court to order Payment of Debts by Contributory.

102. The Court may, at any Time after making an Order for winding up a Company, and either before or after it has ascertained the Sufficiency of the Assets of the Company, make Calls on and order Payment thereof by all or any of the Contributories for the Time being settled on the List of Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of winding it up, and for the Adjustment of the Rights of the Contributories amongst themselves, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Courts to make Calls.

103. The Court may order any Contributory, Purchaser, or other Person from whom Money is due to the Company to pay the same into the Bank of *England* or any Branch thereof to the Account of the Official Liquidator instead of to the Official Liquidator, and such Order may be enforced in the same Manner as if it had directed Payment to the Official Liquidator.

Power of Court to order Payment into Bank.

104. All Monies, Bills, Notes, and other Securities paid and delivered into the Bank of *England* or any Branch thereof in the event of a Company being wound up by the Court, shall be subject to such Order and Regulation for the keeping of the Account of such Monies and other Effects, and for the Payment and Delivery in,

Regulation of Account with Court.

in, or Investment and Payment and Delivery out of the same as the Court may direct.

Provision in case of representative Contributory not paying Monies ordered.

105. If any Person made a Contributory as Personal Representative of a deceased Contributory makes default in paying any Sum ordered to be paid by him, Proceedings may be taken for administering the Personal and Real Estates of such deceased Contributory, or either of such Estates, and of compelling Payment thereout of the Monies due.

Order conclusive Evidence.

106. Any Order made by the Court in pursuance of this Act upon any Contributory shall, subject to the Provisions herein contained for appealing against such Order, be conclusive Evidence that the Monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent Matters stated in such Order are to be taken to be truly stated as against all Persons, and in all Proceedings whatsoever, with the Exception of Proceedings taken against the Real Estate of any deceased Contributory, in which Case such Order shall only be *primâ facie* Evidence for the Purpose of charging his Real Estate, unless his Heirs or Devisees were on the List of Contributories at the Time of the Order being made.

Court may exclude Creditors not proving within certain Time.

107. The Court may fix a certain Day or certain Days on or within which Creditors of the Company are to prove their Debts or Claims, or to be excluded from the Benefit of any Distribution made before such Debts are proved.

Proceedings in the Court of the Vice Warden of the Stannaries on Proof of Debts.

108. If in the course of proving the Debts and Claims of Creditors in the Court of the Vice Warden of the Stannaries any Debt or Claim is disputed by the Official Liquidator or by any Creditor or Contributory, or appears to the Court to be open to Question, the Court shall have Power, subject to Appeal as herein-after provided, to adjudicate upon it, and for that Purpose the said Court shall have and exercise all needful Powers of Inquiry touching the same by Affidavit or by oral Examination of Witnesses or of Parties, whether voluntarily offering themselves for Examination or summoned to attend by compulsory Process of the Court, or to produce Documents before the Court; and the Court shall also have Power, incidentally, to decide on the Validity and Extent of any Lien or Charge claimed by any Creditor on any Property of the Company in respect of such Debt, and to make Declarations of Right, binding on all Persons interested; and for the more satisfactory Determination of any Question of Fact, or mixed Question of Law and Fact arising on such Inquiry, the Vice Warden shall have Power, if he thinks fit, to direct

direct and settle any Action or Issue to be tried either on the Common Law Side of his Court, or by a Common or Special Jury, before the Justices of Assize in and for the Counties of *Cornwall* or *Devon*, or at any Sitting of One of the Superior Courts in *London* or *Middlesex*, which Action or Issue shall accordingly be tried in due Course of Law, and without other or further Consent of Parties; and the Finding of the Jury in such Action or Issue shall be conclusive of the Facts found, unless the Judge who tried it makes known to the Vice Warden that he was not satisfied with the Finding, or unless it appears to the Vice Warden that, in consequence of Miscarriage, Accident, or the subsequent Discovery of fresh material Evidence, such Finding ought not to be conclusive.

Court to adjust Rights of Contributories.

109. The Court shall adjust the Rights of the Contributories amongst themselves, and distribute any Surplus that may remain amongst the Parties entitled thereto.

Court to order Costs.

110. The Court may, in the event of the Assets being insufficient to satisfy the Liabilities, make an Order as to the Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding up any Company in such Order of Priority as the Court thinks just.

Dissolution of Company.

111. When the Affairs of the Company have been completely wound up, the Court shall make an Order that the Company be dissolved from the Date of such Order, and the Company shall be dissolved accordingly.

Registrar to make Minute of Dissolution of Company.

112. Any Order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Penalty on not reporting Dissolution of Company.

113. If the Official Liquidator makes default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Order that the Company be dissolved, he shall be liable to a Penalty not exceeding Five Pounds for every Day during which he is so in default.

Petition to be Lis pendens.

114. Any Petition for winding up a Company by the Court under this Act shall constitute a Lis pendens within the Terms of the Act passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Eleven, and intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, provided the same

same is duly registered in manner required by such Act concerning Suits in Equity.

Extraordinary Powers of Court.

Power of Court to summon Persons before it suspected of having Property of Company.

115. The Court may, after it has made an Order for winding up the Company, summon before it any Officer of the Company or Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Officer or Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power relating to the Company; and if any Person so summoned, after being tendered a reasonable Sum for his Expenses, refuses to come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), the Court may cause such Person to be apprehended, and brought before the Court for Examination; nevertheless, in Cases where any Person claims any Lien on Papers, Deeds, or Writings or Documents produced by him, such Production shall be without Prejudice to such Lien, and the Court shall have Jurisdiction in the Winding-up to determine all Questions relating to such Lien.

Special Provisions as to Court of Vice Warden of the Stannaries.

116. If, after an Order for Winding-up in the Court of the Vice Warden of the Stannaries, it appears that any Person claims Property in, or any Lien, legal or equitable, upon any of the Machinery, Materials, Ores, or Effects on the Mine or on Premises occupied by the Company in connexion with the Mine, or to which the Company was, at the Time of the Order, *primâ facie* entitled, it shall be lawful for the Vice Warden or the Registrar to adjudicate upon such Claim on Interpleader in the Manner provided by Section Eleven of the Act passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-two; and any Action or Issue directed upon such Interpleader may, if the Vice Warden think fit, be tried in his Court or at the Assizes or the Sittings in *London* or *Middlesex*, before a Judge of One of the Superior Courts, in the Manner and on the Terms and Conditions herein-before provided in the Case of disputed Debts and Claims of Creditors.

Examination of Parties by Court.

117. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid concerning the Affairs, Dealings, Estate, or Effects of the Company, and may reduce into Writing

Writing the Answers of every such Person, and require him to subscribe the same.

118. The Court may, at any Time before or after it has made an Order for winding up a Company, upon Proof being given that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods, and Chattels to be seized, and him and them to be safely kept until such Time as the Court may order.

Power to arrest Contributory about to abscond, or to remove or conceal any of his Property.

119. Any Powers by this Act conferred on the Court shall be deemed to be in addition to and not in restriction of any other Powers subsisting, either at Law or in Equity, of instituting Proceedings against any Contributory, or the Estate of any Contributory, or against any Debtor of the Company for the Recovery of any Call or other Sums due from such Contributory or Debtor, or his Estate, and such Proceedings may be instituted accordingly.

Powers of Court cumulative.

Enforcement of and Appeal from Orders.

120. All Orders made by the Court of Chancery in *England* or *Ireland* under this Act may be enforced in the same Manner in which Orders of such Court of Chancery made in any Suit pending therein may be enforced, and for the Purposes of this Part of this Act the Court of the Vice Warden of the Stannaries shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it as the Court of Chancery in *England* has in relation to Matters within the Jurisdiction of such Court, and for the last-mentioned Purposes the Jurisdiction of the Vice Warden of the Stannaries shall be deemed to be co-extensive in local Limits with the Jurisdiction of the Court of Chancery in *England*.

Power to enforce Orders.

121. Where an Order, Interlocutor, or Decree has been made in *Scotland* for winding-up a Company by the Court, it shall be competent to the Court in *Scotland* during Session, and to the Lord Ordinary on the Bills during Vacation, on Production by the Liquidators of a List certified by them of the Names of the Contributories liable in Payment of any Calls which they may wish to enforce, and of the Amount due by each Contributory respectively, and of the Date when the same became due, to pronounce forthwith a Decree against such Contributories for Payment of the Sums so certified to be due by each of them respectively, with Interest from the said Date

Power to order Contributories in Scotland to pay Calls

Date till Payment, at the Rate of Five Pounds *per Centum per Annum*, in the same Way and to the same Effect as if they had severally consented to Registration for Execution, on a Charge of Six Days, of a legal Obligation to pay such Calls and Interest; and such Decree may be extracted immediately, and no Suspension thereof shall be competent, except on Caution or Consignation, unless with special Leave of the Court or Lord Ordinary.

Order made in England to be enforced in Ireland and Scotland.

122. Any Order made by the Court in *England* for or in the Course of the Winding-up of a Company under this Act shall be enforced in *Scotland* and *Ireland* in the Courts that would respectively have had Jurisdiction in respect of such Company if the registered Office of the Company had been situate in *Scotland* or *Ireland*, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required to enforce the same; and in like Manner Orders, Interlocutors, and Decrees made by the Court in *Scotland* for or in the Course of the Winding-up of a Company shall be enforced in *England* and *Ireland*, and Orders made by the Court in *Ireland* for or in the Course of winding up a Company shall be enforced in *England* and *Scotland* by the Courts which would respectively have had Jurisdiction in the Matter of such Company if the registered Office of the Company were situate in the Division of the United Kingdom where the Order is required to be enforced, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Company within its own Jurisdiction.

Mode of dealing with Orders to be enforced by other Courts.

123. Where any Order, Interlocutor, or Decree made by one Court is required to be enforced by another Court, as herein-before provided, an Office Copy of the Order, Interlocutor, or Decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the Production of such Office Copy shall be sufficient Evidence of such Order, Interlocutor, or Decree having been made, and thereupon such last-mentioned Court shall take such Steps in the Matter as may be requisite for enforcing such Order, Interlocutor, or Decree, in the same Manner as if it were the Order, Interlocutor, or Decree of the Court enforcing the same.

Appeals from Orders.

124. Rehearings of and Appeals from any Order or Decision made or given in the Matter of the Winding-up of a Company by any Court having Jurisdiction under this Act, may be had in the same Manner and subject to the same Conditions in and subject to which Appeals may be had from any Order or Decision of the same Court in Cases within its ordinary Jurisdiction; subject to this Restriction, that no such Rehearing or Appeal shall be heard unless Notice of the same is given within Three Weeks after any Order complained of has

has been made, in manner in which Notices of Appeal are ordinarily given, according to the Practice of the Court appealed from, unless such Time is extended by the Court of Appeal: Provided that it shall be lawful for the Lord Warden of the Stannaries, by a Special or General Order, to remit at once any Appeal allowed and regularly lodged with him against any Order or Decision of the Vice Warden made in the Matter of a Winding-up to the Court of Appeal in Chancery, which Court shall thereupon hear and determine such Appeal, and have Power to require all such Certificates of the Vice Warden, Records of Proceedings below, Documents, and Papers as the Lord Warden would or might have required upon the Hearing of such Appeal, and to exercise all other the Jurisdiction and Powers of the Lord Warden specified in the Act of Parliament passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-two, and any Order so made by the Court of Appeal in Chancery shall be final, without any further Appeal.

Judicial Notice to be taken of Signature of Officers.

125. In all Proceedings under this Part of this Act, all Courts, Judges, and Persons judicially acting, and all other Officers, Judicial or Ministerial, of any Court, or employed in enforcing the Process of any Court, shall take judicial Notice of the Signature of any Officer of the Courts of Chancery or Bankruptcy in *England* or in *Ireland*, or of the Court of Session in *Scotland*, or of the Registrar of the Court of the Vice Warden of the Stannaries, and also of the official Seal or Stamp of the several Offices of the Courts of Chancery or Bankruptcy in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Vice Warden of the Stannaries, when such Seal or Stamp is appended to or impressed on any Document made, issued, or signed under the Provisions of this Part of the Act, or any official Copy thereof.

Special Commissioners for receiving Evidence.

126. The Commissioners of the Court of Bankruptcy and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in *Ireland*, and the Sheriffs of Counties in *Scotland*, shall be Commissioners for the Purpose of taking Evidence under this Act in Cases where any Company is wound up in any Part of the United Kingdom, and it shall be lawful for the Court to refer the whole or any Part of the Examination of any Witnesses under this Act to any Person hereby appointed Commissioner, although such Commissioner is out of the Jurisdiction of the Court that made the Order or Decree for winding up the Company; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults

Defaults by Witnesses, which he might lawfully exercise as a Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding up the Company has; and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

Court may order the Examination of Persons in Scotland.

127. The Court may direct the Examination in *Scotland* of any Person for the Time being in *Scotland*, whether a Contributory of the Company or not, in regard to the Estate, Dealings, or Affairs of any Company in the course of being wound up, or in regard to the Estate, Dealings, or Affairs of any Person being a Contributory of the Company, so far as the Company may be interested therein by reason of his being such Contributory, and the Order or Commission to take such Examination shall be directed to the Sheriff of the County in which the Person to be examined is residing or happens to be for the Time, and the Sheriff shall summon such Person to appear before him at a Time and Place to be specified in the Summons for Examination upon Oath as a Witness or as a Haver, and to produce any Books, Papers, Deeds, or Documents called for which may be in his Possession or Power, and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Court, and shall transmit with such Report the Books, Papers, Deeds, or Documents produced, if the Originals thereof are required and specified by the Order, or otherwise such Copies thereof or Extracts therefrom, authenticated by the Sheriff, as may be necessary; and in case any Person so summoned fails to appear at the Time and Place specified, or appearing refuses to be examined or to make the Production required, the Sheriff shall proceed against such Person as a Witness or Haver duly cited, and failing to appear or refusing to give Evidence or make Production may be proceeded against by the Law of *Scotland;* and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as Sheriffs when acting as Commissioners under Appointment from the Court of Session and as Witnesses and Havers are entitled to in the like Cases according to the Law and Practice of *Scotland:* If any Objection is stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, the Sheriff may, if he thinks fit, report such Objection to the Court, and suspend the Examination of

of such Witness until such Objection has been disposed of by the Court.

128. Any Affidavit, Affirmation, or Declaration required to be sworn or made, under the Provisions or for the Purposes of this Part of this Act, may be lawfully sworn or made in *Great Britain* or *Ireland*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations, or before any of Her Majesty's Consuls or Vice-Consuls, in any Foreign Parts out of Her Majesty's Dominions, and all Courts, Judges, Justices, Commissioners, and Persons acting judicially shall take judicial Notice of the Seal or Stamp or Signature (as the Case may be) of any such Court, Judge, Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Affidavit, Affirmation, or Declaration, or to any other Document to be used for the Purposes of this Part of this Act.

Affidavits, &c. may be sworn in Ireland, Scotland, or the Colonies before any competent Court or Person.

Voluntary Winding-up of Company.

129. A Company under this Act may be wound up voluntarily,

(1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the Effect that it has been proved to their Satisfaction that the Company cannot by reason of its Liabilities continue its Business, and that it is advisable to wind up the same:

For the Purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such Manner as would, if it had been confirmed by a subsequent Meeting, have constituted a Special Resolution, as herein-before defined.

Circumstances under which Company may be wound up voluntarily.

130. A voluntary Winding-up shall be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

Commencement of voluntary Winding-up.

131. Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up,

Effect of voluntary Winding-up

on Status of Company.

up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, and all Transfers of Shares except Transfers made to or with the Sanction of the Liquidators, or Alteration in the Status of the Members of the Company taking place after the Commencement of such Winding-up shall be void, but its Corporate State and all its Corporate Powers shall, notwithstanding it is otherwise provided by its Regulations, continue until the Affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

132. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by Advertisement as respects Companies registered in *England* in the *London Gazette*, as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Consequences of voluntary Winding-up.

133. The following Consequences shall ensue upon the voluntary Winding-up of a Company:

(1.) The Property of the Company shall be applied in satisfaction of its Liabilities *pari passu*, and, subject thereto, shall, unless it be otherwise provided by the Regulations of the Company, be distributed amongst the Members according to their Rights and Interests in the Company:

(2.) Liquidators shall be appointed for the Purpose of winding up the Affairs of the Company and distributing the Property:

(3.) The Company in General Meeting shall appoint such Persons or Person as it thinks fit to be Liquidators or a Liquidator, and may fix the Remuneration to be paid to them or him:

(4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the Appointment of Liquidators all the Power of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the Continuance of such Powers:

(6.) When several Liquidators are appointed, every Power hereby given may be exercised by such One or more of them, as may be determined at the Time of their Appointment, or in default of such Determination by any Number not less than Two:

(7.) The Liquidators may, without the Sanction of the Court, exercise all Powers by this Act given to the Official Liquidator:

(8.) The Liquidators may exercise the Powers herein-before given to the Court of settling the List of Contributories of the Company,

Company, and any List so settled shall be *primâ facie* Evidence of the Liability of the Persons named therein to be Contributories:

(9.) The Liquidators may at any Time after the passing of the Resolution for winding up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, call on all or any of the Contributories for the Time being settled on the List of Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of winding it up, and for the Adjustment of the Rights of the Contributories amongst themselves, and the Liquidators may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

(10.) The Liquidators shall pay the Debts of the Company, and adjust the Rights of the Contributories amongst themselves.

Effect of Winding-up on Share Capital of Company limited by Guarantee.

134. Where a Company limited by Guarantee, and having a Capital divided into Shares, is being wound up voluntarily, any Share Capital that may not have been called up shall be deemed to be Assets of the Company, and to be a Specialty Debt due from each Member to the Company to the Extent of any Sums that may be unpaid on any Shares held by him, and payable at such Time as may be appointed by the Liquidators.

Power of Company to delegate Authority to appoint Liquidators.

135. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an Extraordinary Resolution, delegate to its Creditors, or to any Committee of its Creditors, the Power of appointing Liquidators or any of them, and supplying any Vacancies in the Appointment of Liquidators, or may by a like Resolution enter into any Arrangement with respect to the Powers to be exercised by the Liquidators, and the Manner in which they are to be exercised; and any Act done by the Creditors, in pursuance of such delegated Power, shall have the same Effect as if it had been done by the Company.

Arrangement when binding on Creditors.

136. Any Arrangement entered into between a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its Creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the Creditors if acceded to by Three Fourths in Number and Value of the Creditors, subject to such Right of Appeal as is herein-after mentioned.

137. Any

Power of Creditor or Contributory to appeal.

137. Any Creditor or Contributory of a Company that has in manner aforesaid entered into any Arrangement with its Creditors may, within Three Weeks from the Date of the Completion of such Arrangement, appeal to the Court against such Arrangement, and the Court may thereupon, as it thinks just, amend, vary, or confirm the same.

Power for Liquidators or Contributories in voluntary Winding-up to apply to Court.

138. Where a Company is being wound up voluntarily the Liquidators or any Contributory of the Company may apply to the Court in *England*, *Ireland*, or *Scotland*, or to the Lord Ordinary on the Bills in *Scotland* in Time of Vacation, to determine any Question arising in the Matter of such Winding-up, or to exercise, as respects the enforcing of Calls, or in respect of any other Matter, all or any of the Powers which the Court might exercise if the Company were being wound up by the Court; and the Court or Lord Ordinary in the Case aforesaid, if satisfied that the Determination of such Question, or the required Exercise of Power, will be just and beneficial, may accede, wholly or partially, to such Application, on such Terms and subject to such Conditions as the Court thinks fit, or it may make such other Order, Interlocutor, or Decree on such Application as the Court thinks just.

Power of Liquidators to call General Meeting.

139. Where a Company is being wound up voluntarily the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by Special Resolution or Extraordinary Resolution, or for any other Purposes they think fit; and in the event of the Winding-up continuing for more than One Year, the Liquidators shall summon a General Meeting of the Company at the End of the First Year, and of each succeeding Year from the Commencement of the Winding-up, or as soon thereafter as may be convenient, and shall lay before such Meeting an Account showing their Acts and Dealings, and the Manner in which the Winding-up has been conducted during the preceding Year.

Power to fill up Vacancy in Liquidators.

140. If any Vacancy occurs in the Office of Liquidators appointed by the Company, by Death, Resignation, or otherwise, the Company in General Meeting may, subject to any Arrangement they may have entered into with their Creditors, fill up such Vacancy, and a General Meeting for the Purpose of filling up such Vacancy may be convened by the continuing Liquidators, if any, or by any Contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the Regulations of the Company,

or

or in such other Manner as may, on Application by the continuing Liquidator, if any, or by any Contributory of the Company, be determined by the Court.

Power of Court to appoint Liquidators.

141. If from any Cause whatever there is no Liquidator acting in the Case of a voluntary Winding-up, the Court may, on the Application of a Contributory, appoint a Liquidator or Liquidators: The Court may also, on due Cause shown, remove any Liquidator, and appoint another Liquidator to act in the Matter of a voluntary Winding-up.

Liquidators on Conclusion of Winding-up to make up an Account.

142. As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the Purpose of having the Account laid before them and hearing any Explanation that may be given by the Liquidators: The Meeting shall be called by Advertisement, specifying the Time, Place, and Object of such Meeting; and such Advertisement shall be published One Month at least previously to the Meeting, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Liquidators to report Meeting to Registrar.

143. The Liquidators shall make a Return to the Registrar of such Meeting having been held, and of the Date at which the same was held, and on the Expiration of Three Months from the Date of the Registration of such Return the Company shall be deemed to be dissolved: If the Liquidators make default in making such Return to the Registrar they shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Costs of voluntary Liquidation.

144. All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Saving of Rights of Creditors.

145. The voluntary Winding-up of a Company shall not be a Bar to the Right of any Creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the Rights of such Creditor will be prejudiced by a voluntary Winding-up.

146. Where

Power of Court to adopt Proceedings of voluntary Winding-up.

146. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the voluntary Winding-up.

Winding up subject to the Supervision of the Court.

Power of Court, on Application, to direct Winding-up, subject to Supervision.

147. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an Order directing that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others, to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

Petition for winding up, subject to Supervision.

148. A Petition, praying wholly or in part that a voluntary Winding-up should continue, but subject to the Supervision of the Court, and which Winding-up is herein-after referred to as a Winding-up subject to the Supervision of the Court, shall, for the Purpose of giving Jurisdiction to the Court over Suits and Actions, be deemed to be a Petition for winding up the Company by the Court.

Court may have regard to Wishes of Creditors.

149. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the Supervision of the Court, in the Appointment of Liquidator or Liquidators, and in all other Matters relating to the winding up subject to Supervision, have regard to the Wishes of the Creditors or Contributories as proved to it by any sufficient Evidence, and may direct Meetings of the Creditors or Contributories to be summoned, held, and regulated in such Manner as the Court directs for the Purpose of ascertaining their Wishes, and may appoint a Person to act as Chairman of any such Meeting, and to report the Result of such Meeting to the Court: In the Case of Creditors, regard shall be had to the Value of the Debts due to each Creditor, and in the Case of Contributories to the Number of Votes conferred on each Contributory by the Regulations of the Company.

Power to Court to appoint additional Liquidators in Winding-

150. Where any Order is made by the Court for a Winding-up subject to the Supervision of the Court, the Court may, in such Order or in any subsequent Order, appoint any additional Liquidator or Liquidators; and any Liquidators so appointed by the Court shall have

have the same Powers, be subject to the same Obligations, and in all respects stand in the same Position as if they had been appointed by the Company: The Court may from Time to Time remove any Liquidators so appointed by the Court, and fill up any Vacancy occasioned by such Removal, or by Death or Resignation.

up subject to Supervision.

151. Where an Order is made for a Winding-up subject to the Supervision of the Court, the Liquidators appointed to conduct such Winding-up may, subject to any Restrictions imposed by the Court, exercise all their Powers, without the Sanction or Intervention of the Court, in the same Manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any Order made by the Court for a Winding-up, subject to the Supervision of the Court, shall for all Purposes, including the staying of Actions, Suits, and other Proceedings, be deemed to be an Order of the Court for winding up the Company by the Court, and shall confer full Authority on the Court to make Calls, or to enforce Calls made by the Liquidators, and to exercise all other Powers which it might have exercised if an Order had been made for winding up the Company altogether by the Court, and in the Construction of the Provisions whereby the Court is empowered to direct any Act or Thing to be done to or in favour of the Official Liquidators, the Expression Official Liquidators shall be deemed to mean the Liquidators conducting the Winding-up, subject to the Supervision of the Court.

Effect of Order of Court for winding-up subject to Supervision.

152. Where an Order has been made for the Winding-up of a Company subject to the Supervision of the Court, and such Order is afterwards superseded by an Order directing the Company to be wound up compulsorily, the Court may in such last-mentioned Order, or in any subsequent Order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the Addition of any other Persons, to be Official Liquidators.

Appointment in certain Cases of voluntary Liquidators to Office of Official Liquidators.

Supplemental Provisions.

153. Where any Company is being wound up by the Court or subject to the Supervision of the Court all Dispositions of the Property, Effects, and Things in Action of the Company, and every Transfer of Shares, or Alteration in the Status of the Members of the Company made between the Commencement of the winding up and the Order for winding up, shall, unless the Court otherwise orders, be void.

Dispositions after the Commencement of the Winding-up avoided.

154. Where

The Books of the Company to be Evidence.

154. Where any Company is being wound up, all Books, Accounts, and Documents of the Company and of the Liquidators shall, as between the Contributories of the Company, be *primâ facie* Evidence of the Truth of all Matters purporting to be therein recorded.

As to Disposal of Books, Accounts, and Documents of the Company.

155. Where any Company has been wound up under this Act and is about to be dissolved, the Books, Accounts, and Documents of the Company and of the Liquidators may be disposed of in the following Way; that is to say, where the Company has been wound up by or subject to the Supervision of the Court, in such Way as the Court directs, and where the Company has been wound up voluntarily, in such Way as the Company by an Extraordinary Resolution directs; but after the Lapse of Five Years from the Date of such Dissolution, no Responsibility shall rest on the Company, or the Liquidators, or anyone to whom the Custody of such Books, Accounts, and Documents has been committed, by reason that the same, or any of them, cannot be made forthcoming to any Party or Parties claiming to be interested therein.

Inspection of Books.

156. Where an Order has been made for winding up a Company by the Court, or subject to the Supervision of the Court, the Court may make such Order for the Inspection by the Creditors and Contributories of the Company of its Books and Papers as the Court thinks just, and any Books and Papers in the Possession of the Company may be inspected by Creditors or Contributories, in conformity with the Order of the Court, but not further or otherwise.

Power of Assignee to sue.

157. Any Person to whom any Thing in Action belonging to the Company is assigned, in pursuance of this Act, may bring or defend any Action or Suit relating to such Thing in Action in his own Name.

Debts of all Descriptions to be proved.

158. In the event of any Company being wound up under this Act, all Debts payable on a Contingency, and all Claims against the Company, present or future, certain or contingent, ascertained or sounding only in Damages, shall be admissible to Proof against the Company, a just Estimate being made, so far as is possible, of the Value of all such Debts or Claims as may be subject to any Contingency or sound only in Damages, or for some other Reason do not bear a certain Value.

General Scheme of Liquidation

159. The Liquidators may, with the Sanction of the Court, where the Company is being wound up by the Court or subject to the Supervision

Supervision of the Court, and with the Sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any Classes of Creditors in full, or make such Compromise or other Arrangement as the Liquidators may deem expedient with Creditors or Persons claiming to be Creditors, or Persons having or alleging themselves to have any Claim, present or future, certain or contingent, ascertained or sounding only in Damages against the Company, or whereby the Company may be rendered liable.

may be sanctioned.

160. The Liquidators may, with the Sanction of the Court, where the Company is being wound up by the Court or subject to the Supervision of the Court, and with the Sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all Calls and Liabilities to Calls, Debts, and Liabilities capable of resulting in Debts, and all Claims, whether present or future, certain or contingent, ascertained or sounding only in Damages, subsisting or supposed to subsist between the Company and any Contributory or alleged Contributory, or other Debtor or Person apprehending Liability to the Company, and all Questions in any way relating to or affecting the Assets of the Company or the winding up of the Company, upon the Receipt of such Sums, payable at such Times, and generally upon such Terms as may be agreed upon, with Power for the Liquidators to take any Security for the Discharge of such Debts or Liabilities, and to give complete Discharges in respect of all or any such Calls, Debts, or Liabilities.

Power to compromise.

161. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a Portion of its Business or Property is proposed to be transferred or sold to another Company, the Liquidators of the first-mentioned Company may, with the Sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general Authority on the Liquidators, or an Authority in respect of any particular Arrangement, receive in Compensation or part Compensation for such Transfer or Sale Shares, Policies, or other like Interests in such other Company, for the Purpose of Distribution amongst the Members of the Company being wound up, or may enter into any other Arrangement whereby the Members of the Company being wound up may, in lieu of receiving Cash, Shares, Policies, or other like Interests, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement

Power for Liquidators to accept Shares, &c. as a Consideration for Sale of Property of Company.

ment entered into by the Liquidators in pursuance of this Section shall be binding on the Members of the Company being wound up; subject to this Proviso that if any Member of the Company being wound up who has not voted in favour of the Special Resolution passed by the Company of which he is a Member at either of the Meetings held for passing the same expresses his Dissent from any such Special Resolution in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company not later than Seven Days after the Date of the Meeting at which such Special Resolution was passed, such dissentient Member may require the Liquidators to do One of the following Things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Interest held by such dissentient Member at a Price to be determined in manner herein-after mentioned, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by Special Resolution: No Special Resolution shall be deemed invalid for the Purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an Order be made within a Year for winding up the Company by or subject to the Supervision of the Court, such Resolution shall not be of any Validity unless it is sanctioned by the Court.

Mode of determining Price.

162. The Price to be paid for the Purchase of the Interest of any dissentient Member may be determined by Agreement, but if the Parties dispute about the same, such Dispute shall be settled by Arbitration, and for the Purposes of such Arbitration the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act; and in the Construction of such Provisions this Act shall be deemed to be the Special Act, and "the Company" shall mean the Company that is being wound up, and any Appointment by the said incorporated Provisions directed to be made under the Hand of the Secretary, or any Two of the Directors, may be made under the Hand of the Liquidator, if only One, or any Two or more of the Liquidators if more than One.

Certain Attachments, Sequestrations, and Executions to be void.

163. Where any Company is being wound up by the Court or subject to the Supervision of the Court, any Attachment, Sequestration, Distress, or Execution put in force against the Estate or Effects of the Company after the Commencement of the Winding-up shall be void to all Intents.

164. Any

164. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of the Creditors of such Trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent Preference of the Creditors of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall in the Case of a Company being wound up by the Court or subject to the Supervision of the Court, and a Resolution for winding up the Company shall in the Case of a voluntary Winding-up, be deemed to correspond with the Act of Bankruptcy in the Case of an individual Trader; and any Conveyance or Assignment made by any Company formed under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents. Fraudulent Preference.

165. Where, in the course of the Winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own Hands or become liable or accountable for any Moneys of the Company, or been guilty of any Misfeasance or Breach of Trust in relation to the Company, the Court may, on the Application of any Liquidator, or of any Creditor or Contributory of the Company, notwithstanding that the Offence is one for which the Offender is criminally responsible, examine into the Conduct of such Director, Manager, or other Officer, and compel him to repay any Moneys so misapplied or retained, or for which he has become liable or accountable, together with Interest after such Rate as the Court thinks just, or to contribute such Sums of Money to the Assets of the Company by way of Compensation in respect of such Misapplication, Retainer, Misfeasance, or Breach of Trust, as the Court thinks just. Power of Court to assess Damages against delinquent Directors and Officers.

166. If any Director, Officer, or Contributory of any Company wound-up under this Act destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company with Intent to defraud or deceive any Person, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall Penalty on Falsification of Books.

shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

Prosecution of delinquent Directors in the Case of winding up by Court.

167. Where any Order is made for winding up a Company by the Court or subject to the Supervision of the Court, if it appear in the course of such Winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, the Court may, on the Application of any Person interested in such Winding-up, or of its own Motion, direct the Official Liquidators, or the Liquidators, (as the Case may be,) to institute and conduct a Prosecution or Prosecutions for such Offence, and may order the Costs and Expenses to be paid out of the Assets of the Company.

Prosecution of delinquent Directors, &c. in case of voluntary Winding-up.

168. Where a Company is being wound up altogether voluntarily, if it appear to the Liquidators conducting such Winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, it shall be lawful for the Liquidators, with the previous Sanction of the Court, to prosecute such Offender, and all Expenses properly incurred by them in such Prosecution shall be payable out of the Assets of the Company in priority to all other Liabilities,

Penalty of Perjury.

169. If any Person, upon any Examination upon Oath or Affirmation authorized under this Act, or in any Affidavit, Deposition, or solemn Affirmation in or about the Winding-up of any Company under this Act, or otherwise in or about any Matter arising under this Act, wilfully and corruptly gives false Evidence, he shall, upon Conviction, be liable to the Penalties of wilful Perjury.

Power of Courts to make Rules.

Power of Lord Chancellor of Great Britain to make Rules.

170. In *England* the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls, and any One of the Vice Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of Proceeding to be had for winding up a Company in the Court of Chancery as may from Time to Time seem necessary, but until such Rules are made the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up Companies, shall, so far as the same is

is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company.

171. In *Scotland* the Court of Session may make such Rules concerning the Mode of Winding-up as may be necessary by Act of Sederunt; but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Power of Court of Session in Scotland to make Rules.

172. The Vice Warden of the Stannaries may from Time to Time, with the Consent provided for by Section Twenty-three of the Act of Eighteenth of *Victoria*, Chapter Thirty-two, make Rules for carrying into effect the Powers conferred by this Act upon the Court of the Vice Warden, but, subject to such Rules, the general Practice of the said Court and of the Registrar's Office in the said Court, including the present Practice of the said Court in winding up Companies, may be applied to all Proceedings under this Act; the said Vice Warden may likewise, with the same Consent, make from Time to Time Rules for specifying the Fees to be taken in his said Court in Proceedings under this Act; and any Rules so made shall be of the same Force as if they had been enacted in the Body of this Act; and the Fees paid in respect of Proceeding taken under this Act, including Fees taken under "The Joint Stock Companies Act, 1856," in the Matter of winding up Companies, shall be applied exclusively towards Payment of such additional Officers, or such Increase of the Salaries of existing Officers, or Pensions to retired Officers, or such other needful Expenses of the Court, as the Lord Warden of the Stannaries shall from Time to Time, on the Application of the Vice Warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall be kept as a separate Fund apart from the ordinary Fees of the Court arising from other Business, to await such Direction and Order of the Lord Warden herein, and to accumulate by Investment in Government Securities until the whole shall have been so appropriated.

Power to make Rules in Stannaries Court.

173. In *Ireland* the Lord Chancellor of *Ireland* may, as respects the Winding-up of Companies in *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of *Great Britain*; but until such Rules are made the general

Power of Lord Chancellor of Ireland to make Rules.

general Practice of the Court of Chancery in *Ireland*, including the Practice hitherto in use in *Ireland* in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company.

PART V.

Registration Office.

Constitution of Registration Office.

174. The Registration of Companies under this Act shall be conducted as follows; (that is to say,)

(1.) The Board of Trade may from Time to Time appoint such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act, and remove them at pleasure:

(2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid:

(3.) The Board of Trade may from Time to Time determine the Places at which Offices for the Registration of Companies are to be established, so that there be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established; and the Board may require that the Registrar's Office of the Court of the Vice Warden of the Stannaries shall be One of the Offices for the Registration of Companies formed for working Mines within the Jurisdiction of the Court:

(4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies:

(5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection; and any

any Person may require a Certificate of the Incorporation of any Company, or a Copy or Extract of any other Document or any Part of any other Document, to be certified by the Registrar; and there shall be paid for such Certificate of Incorporation, certified Copy, or Extract such Fees as the Board of Trade may appoint, not exceeding Five Shillings for the Certificate of Incorporation, and not exceeding Sixpence for each Folio of such Copy or Extract, or in *Scotland* for each Sheet of Two hundred Words:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies shall, during the Pleasure of the Board of Trade, hold the Offices and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct:

(8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in *England* to or by the existing Registrar of Joint Stock Companies, or in his Absence to or by such Person as the Board of Trade may for the Time being authorize; in *Scotland* to or by the existing Registrar of Joint Stock Companies in *Scotland;* and in *Ireland* to or by the existing Assistant Registrar of Joint Stock Companies for *Ireland*, or by such Person as the Board of Trade may for the Time being authorize in *Scotland* or *Ireland* in the Absence of the Registrar; but in the event of the Board of Trade altering the Constitution of the existing Registry Office, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint.

PART

PART VI.

Application of Act to Companies registered under the Joint Stock Companies Acts.

Definition of Joint Stock Companies Acts.

175. The Expression "Joint Stock Companies Acts" as used in this Act shall mean "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Acts, 1856, 1857," "The Joint Stock Banking Companies Act, 1857," and "The Act to enable Joint Stock Bank-"ing Companies to be formed on the Principle of Limited Liability," or any One or more of such Acts, as the Case may require; but shall not include the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

Application of Act to Companies formed under Joint Stock Companies Acts.

176. Subject as herein-after mentioned, this Act, with the Exception of Table A. in the First Schedule, shall apply to Companies formed and registered under the said Joint Stock Companies Acts, or any of them, in the same Manner in the Case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by Shares, and in the Case of a Company other than a Limited Company as if such Company had been formed and registered as an Unlimited Company under this Act, with this Qualification, that wherever Reference is made expressly or impliedly to the Date of Registration, such Date shall be deemed to refer to the Date at which such Companies were respectively registered under the said Joint Stock Companies Acts or any of them, and the Power of altering Regulations by Special Resolution given by this Act shall, in the Case of any Company formed and registered under the said Joint Stock Companies Acts or any of them, extend to altering any Provisions contained in the Table marked B. annexed to "The Joint Stock Companies Act, 1856," and shall also in the Case of an Unlimited Company formed and registered as last aforesaid, extend to altering any Regulations relating to the Amount of Capital or its Distribution into Shares, notwithstanding such Regulations are contained in the Memorandum of Association.

Application of Act to Companies registered under Joint Stock Companies Acts.

177. This Act shall apply to Companies registered but not formed under the said Joint Stock Companies Acts or any of them in the same Manner as it is herein-after declared to apply to Companies registered but not formed under this Act, with this Qualification, that wherever Reference is made expressly or impliedly to the Date of Registration,

Registration, such Date shall be deemed to refer to the Date at which such Companies were respectively registered under the said Joint Stock Companies Acts or any of them.

178. Any Company registered under the said Joint Stock Companies Acts or any of them may cause its Shares to be transferred in manner hitherto in use, or in such other Manner as the Company may direct.

Mode of transferring Shares.

PART VII.

Companies authorized to register under this Act.

179. The following Regulations shall be observed with respect to the Registration of Companies under this Part of this Act; (that is to say,)

Regulations as to Registration of existing Companies.

(1.) No Company having the Liability of its Members limited by Act of Parliament or Letters Patent, and not being a Joint Stock Company as herein-after defined, shall register under this Act in pursuance of this Part thereof:

(2.) No Company having the Liability of its Members limited by Act of Parliament or by Letters Patent shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by Guarantee:

(3.) No Company that is not a Joint Stock Company as herein-after defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by Shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an Assent to its so registering is given by a Majority of such of its Members as may be present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for the Purpose:

(5.) Where a Company not having the Liability of its Members limited by Act of Parliament or Letters Patent is about to register as a Limited Company, the Majority required to assent as aforesaid shall consist of not less than Three Fourths of the Members present, personally or by Proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by Guarantee the Assent to its being so registered shall be

be accompanied by a Resolution declaring that each Member undertakes to contribute to the Assets of the Company, in the event of the same being wound up, during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceased to be a Member, and of the Costs, Charges, and Expenses of winding up the Company, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required, not exceeding a specified Amount:

In computing any Majority under this Section when a Poll is demanded regard shall be had to the Number of Votes to which each Member is entitled according to the Regulations of the Company of which he is a Member.

Companies capable of being registered.

180. With the above Exceptions, and subject to the foregoing Regulations, every Company existing at the Time of the Commencement of this Act, including any Company registered under the said Joint Stock Companies Acts, consisting of Seven or more Members, and any Company hereafter formed in pursuance of any Act of Parliament other than this Act, or of Letters Patent, or being a Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, or being otherwise duly constituted by Law, and consisting of Seven or more Members, may at any Time hereafter register itself under this Act as an Unlimited Company, or a Company limited by Shares, or a Company limited by Guarantee; and no such Registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Definition of Joint Stock Company.

181. For the Purposes of this Part of this Act, so far as the same relates to the Description of Companies empowered to register as Companies limited by Shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal Capital of fixed Amount, divided into Shares, also of fixed Amount, or held and transferable as Stock, or divided and held partly in one way and partly in the other, and formed on the Principle of having for its Members the Holders of Shares in such Capital, or the Holders of such Stock, and no other Persons; and such Company when registered with Limited Liability under this Act shall be deemed to be a Company limited by Shares.

182. No

182. No Banking Company claiming to issue Notes in the United Kingdom shall be entitled to Limited Liability in respect of such Issue, but shall continue subject to Unlimited Liability in respect thereof, and, if necessary, the Assets shall be marshalled for the Benefit of the general Creditors, and the Members shall be liable for the whole Amount of the Issue, in addition to the Sum for which they would be liable as Members of a Limited Company.

Proviso as to Banking Company.

183. Previously to the Registration in pursuance of this Part of this Act of any Joint Stock Company there shall be delivered to the Registrar the following Documents; (that is to say,)

Requisitions for Registration by Companies.

(1.) A List showing the Names, Addresses, and Occupations of all Persons who on a Day named in such List, and not being more than Six clear Days before the Day of Registration, were Members of such Company, with the Addition of the Shares held by such Persons respectively, distinguishing, in Cases where such Shares are numbered, each Share by its Number:

(2.) A Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery, Cost Book Regulations, or other Instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars; that is to say,

The nominal Capital of the Company and the Number of Shares into which it is divided:

The Number of Shares taken and the Amount paid on each Share:

The Name of the Company, with the Addition of the Word "Limited" as the last Word thereof:

With the Addition, in the Case of a Company intended to be registered as a Company limited by Guarantee, of the Resolution declaring the Amount of the Guarantee.

184. Previously to the Registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company there shall be delivered to the Registrar a List showing the Names, Addresses, and Occupations of the Directors or other Managers (if any) of the Company, also a Copy of any Act of Parliament, Letters Patent, Deed of Settlement, Contract of Copartnery, Cost Book

Requisitions for Registration by existing Company not being a Joint Stock Company.

Book Regulations, or other Instrument constituting or regulating the Company, with the Addition, in the Case of a Company intended to be registered as a Company limited by Guarantee, of the Resolution declaring the Amount of Guarantee.

Power for existing Company to register Amount of Stock instead of Shares.

185. Where a Joint Stock Company authorized to register under this Act has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar a Statement of Shares, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, not more than Six clear Days before the Day of Registration.

Authentication of Statements of existing Companies.

186. The Lists of Members and Directors and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two.

Registrar may require Evidence as to Nature of Company.

187. The Registrar may require such Evidence as he thinks necessary for the Purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as herein-before defined.

On Registration of Banking Company with Limited Liability Notice to be given to Customers.

188. Every Banking Company existing at the Date of the passing of this Act which registers itself as a Limited Company shall, at least Thirty Days previous to obtaining a Certificate of Registration with Limited Liability, give Notice that it is intended so to register the same to every Person and Partnership Firm who have a Banking Account with the Company, and such Notice shall be given either by delivering the same to such Person or Firm, or leaving the same or putting the same into the Post addressed to him or them at such Address as shall have been last communicated or otherwise become known as his or their Address to or by the Company; and in case the Company omits to give any such Notice as is herein-before required to be given, then as between the Company and the Person or Persons only who are for the Time being interested in the Account in respect of which such Notice ought to have been given, and so far as respects such Account and all Variations thereof down to the Time at which such Notice shall be given, but not further or otherwise,

otherwise, the Certificate of Registration with Limited Liability shall have no Operation.

189. No Fees shall be charged in respect of the Registration in pursuance of this Part of this Act of any Company in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company the Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Exemption of certain Companies from Payment of Fees.

190. Any Company authorized by this Part of this Act to register with Limited Liability shall, for the Purpose of obtaining Registration with Limited Liability, change its Name, by adding thereto the Word "Limited."

Power to Company to change Name.

191. Upon Compliance with the Requisitions in this Part of this Act contained with respect to Registration, and on Payment of such Fees, if any, as are payable under the Tables marked B. and C. in the First Schedule hereto, the Registrar shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and, in the Case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual Succession and a Common Seal, with Power to hold Lands; and any Banking Company in *Scotland* so incorporated shall be deemed and taken to be a Bank incorporated, constituted, or established by or under Act of Parliament.

Certificate of Registration of existing Companies.

192. A Certificate of Incorporation given at any Time to any Company registered in pursuance of this Part of this Act shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the Case may be, and the Date of Incorporation mentioned in such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Certificate to be Evidence of Compliance with Act.

193. All such Property, Real and Personal, including all Interests and Rights in, to, and out of Property, Real and Personal, and including Obligations and Things in Action, as may belong to or be vested in the Company at the Date of its Registration under this Act, shall on Registration pass to and vest in the Company as incor-

Transfer of Property to Company.

incorporated under this Act for all the Estate and Interest of the Company therein.

Registration under this Act not to affect Obligations incurred previously to Registration.

194. The Registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the Liability of such Company to have enforced against it, or its Right to enforce, any Debt or Obligation incurred, or any Contract entered into, by, to, with, or on behalf of such Company previously to such Registration.

Continuation of existing Actions and Suits.

195. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the Public Officer or any Member thereof, may be continued in the same Manner as if such Registration had not taken place; nevertheless, Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained in any Action, Suit, or Proceeding so commenced as aforesaid; but in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company.

Effect of Registration under Act.

196. When a Company is registered under this Act in pursuance of this Part thereof, all Provisions contained in any Act of Parliament, Deed of Settlement, Contract of Copartnery, Cost Book Regulations, Letters Patent, or other Instrument constituting or regulating the Company, including, in the Case of a Company registered as a Company Limited by Guarantee, the Resolution declaring the Amount of the Guarantee, shall be deemed to be Conditions and Regulations of the Company, in the same Manner and with the same Incidents as if they were contained in a registered Memorandum of Association and Articles of Association; and all the Provisions of this Act shall apply to such Company and the Members, Contributories, and Creditors thereof, in the same Manner in all respects as if it had been formed under this Act, subject to the Provisions following; (that is to say,)

(1.) That Table A. in the First Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the Provisions of this Act relating to the numbering of Shares shall not apply to any Joint Stock Company whose Shares are not numbered:

(3.) That

(3.) That no Company shall have Power to alter any Provision contained in any Act of Parliament relating to the Company:

(4.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company:

(5.) That in the event of the Company being wound up, every Person shall be a Contributory, in respect of the Debts and Liabilities of the Company contracted prior to Registration, who is liable, at Law or in Equity, to pay or contribute to the Payment of any Debt or Liability of the Company contracted prior to Registration, or to pay or contribute to the Payment of any Sum for the Adjustment of the Rights of the Members amongst themselves in respect of any such Debt or Liability; or to pay or contribute to the Payment of the Costs, Charges, and Expenses of winding up the Company, so far as relates to such Debts or Liabilities as aforesaid; and every such Contributory shall be liable to contribute to the Assets of the Company, in the course of the Winding-up, all Sums due from him in respect of any such Liability as aforesaid; and in the event of the Death, Bankruptcy, or Insolvency of any such Contributory as last aforesaid, or Marriage of any such Contributory being a Female, the Provisions herein-before contained with respect to the Representatives, Heirs, and Devisees of deceased Contributories, and with reference to the Assignees of bankrupt or insolvent Contributories, and to the Husbands of married Contributories, shall apply:

(6.) That nothing herein contained shall authorize any Company to alter any such Provisions contained in any Deed of Settlement, Contract of Copartnery, Cost Book Regulations, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Deed of Settlement, Contract of Copartnery, Letters Patent, or other Instrument constituting or regulating the Company.

197. The

Power of Court to restrain further Proceedings.

197. The Court may, at any Time after the Presentation of a Petition for winding up a Company registered in pursuance of this Part of this Act, and before making an Order for winding up the Company, upon the Application by Motion of any Creditor of the Company, restrain further Proceedings in any Action, Suit, or legal Proceeding against any Contributory of the Company as well as against the Company as herein-before provided, upon such Terms as the Court thinks fit.

Order for winding up Company.

198. Where an Order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the Provisions herein-before contained, it is hereby further provided that no Suit, Action, or other legal Proceeding shall be commenced or proceeded with against any Contributory of the Company in respect of any Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding-up of unregistered Companies.

199. Subject as herein-after mentioned, any Partnership, Association, or Company, except Railway Companies incorporated by Act of Parliament, consisting of more than Seven Members, and not registered under this Act, and herein-after included under the Term unregistered Company, may be wound up under this Act, and all the Provisions of this Act with respect to winding up shall apply to such Company, with the following Exceptions and Additions:

(1.) An unregistered Company shall, for the Purpose of determining the Court having Jurisdiction in the Matter of the Winding-up, be deemed to be registered in that Part of the United Kingdom where its principal Place of Business is situate; or, if it has a principal Place of Business situate in more than One Part of the United Kingdom, then in each Part of the United Kingdom where it has a principal Place of Business; moreover the principal Place of Business of an unregistered Company, or (where it has a principal Place of Business situate in more than One Part of the United Kingdom) such One of its principal Places of Business as is situate in that Part of the United Kingdom in which Proceedings are being instituted, shall for all the Purposes of the winding up of such Company be deemed to be the registered Office of the Company:

(2.) No

(2.) No unregistered Company shall be wound up under this Act voluntarily or subject to the Supervision of the Court:

(3.) The Circumstances under which an unregistered Company may be wound up are as follows; (that is to say,)

(*a.*) Whenever the Company is dissolved, or has ceased to carry on Business, or is carrying on Business only for the Purpose of winding up its Affairs;

(*b.*) Whenever the Company is unable to pay its Debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up:

(4.) An unregistered Company shall, for the Purposes of this Act, be deemed to be unable to pay its Debts,

(*a.*) Whenever a Creditor to whom the Company is indebted, at Law or in Equity, by Assignment or otherwise, in a Sum exceeding Fifty Pounds then due, has served on the Company, by leaving the same at the principal Place of Business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such Manner as the Court may approve or direct, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:

(*b.*) Whenever any Action, Suit, or other Proceeding has been instituted against any Member of the Company for any Debt or Demand due, or claimed to be due, from the Company, or from him in his Character of Member of the Company, and Notice in Writing of the Institution of such Action, Suit, or other legal Proceeding having been served upon the Company by leaving the same at the principal Place of Business of the Company, or by delivering it to the Secretary, or some Director, Manager, or principal Officer of the Company, or by otherwise serving the same in such Manner as the Court may approve or direct, the Company has not within Ten Days after Service of such Notice paid, secured, or compounded for such Debt or Demand, or procured such Action, Suit, or other legal Proceeding to be stayed, or indemnified the Defendant to his reasonable Satisfaction against such Action, Suit, or other legal Proceeding, and

against all Costs, Damages, and Expenses to be incurred by him by reason of the same:

(*c.*) Whenever, in *England* or *Ireland*, Execution or other Process issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Proceeding at Law or in Equity instituted by such Creditor against the Company, or any Member thereof as such, or against any Person authorized to be sued as nominal Defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever, in the Case of an unregistered Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, a customary Decree or Order absolute for the Sale of the Machinery, Materials, and Effects of such Mine has been made in a Creditor's Suit in the Court of the Vice Warden:

(*e.*) Whenever, in *Scotland*, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made:

(*f.*) Whenever it is otherwise proved to the Satisfaction of the Court that the Company is unable to pay its Debts.

Who to be deemed a Contributory in the event of Company being wound up.

200. In the event of an unregistered Company being wound up every Person shall be deemed to be a Contributory who is liable, at Law or in Equity, to pay or contribute to the Payment of any Debt or Liability of the Company, or to pay or contribute to the Payment of any Sum for the Adjustment of the Rights of the Members amongst themselves, or to pay or contribute to the Payment of the Costs, Charges, and Expenses of winding up the Company, and every such Contributory shall be liable to contribute to the Assets of the Company in the course of the Winding-up all Sums due from him in respect of any such Liability as aforesaid; but in the event of the Death, Bankruptcy, or Insolvency of any Contributory, or Marriage of any Female Contributory, the Provisions herein-before contained with respect to the Personal Representatives, Heirs, and Devisees of a deceased Contributory, and to the Assignees of a bankrupt or insolvent Contributory, and to the Husband of married Contributories, shall apply.

Power of Court to restrain further Proceedings.

201. The Court may, at any Time after the Presentation of a Petition for winding up an unregistered Company, and before making an Order for winding up the Company, upon the Application of any Creditor of the Company, restrain further Proceedings in any Action, Suit, or Proceeding against any Contributory of the Company, or against

against the Company as herein-before provided, upon such Terms as the Court thinks fit.

202. Where an Order has been made for winding up an unregistered Company in addition to the Provisions herein-before contained in the Case of Companies formed under this Act, it is hereby further provided that no Suit, Action, or other legal Proceeding shall be commenced or proceeded with against any Contributory of the Company in respect of any Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

Effect of Order for winding up Company.

203. If any unregistered Company has no Power to sue and be sued in a common Name, or if for any Reason it appears expedient, the Court may by the Order made for winding up such Company, or by any subsequent Order, direct that all such Property, Real and Personal, including all Interest, Claims, and Rights into and out of Property, Real and Personal, and including Things in Action, as may belong to or be vested in the Company, or to or in any Person or Persons on Trust for or on behalf of the Company, or any Part of such Property, is to vest in the Official Liquidator or Official Liquidators by his or their official Name or Names, and thereupon the same or such Part thereof as may be specified in the Order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official Name or Names, or in such Name or Names and after giving such Indemnity as the Court directs, bring or defend any Actions, Suits, or other legal Proceeding relating to any Property vested in him or them, or any Actions, Suits, or other legal Proceedings necessary to be brought or defended for the Purposes of effectually winding up the Company and recovering the Property thereof.

Provision in case of unregistered Company.

204. The Provisions made by this Part of the Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any Provisions herein-before contained with respect to winding up Companies by the Court, and the Court or Official Liquidator may, in addition to anything contained in this Part of the Act, exercise any Powers or do any Act in the Case of unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the Extent provided by this Part of this Act.

Provisions in this Part of Act cumulative.

PART

PART IX.

Repeal of Acts, and temporary Provisions.

Repeal of Acts.

205. After the Commencement of this Act there shall be repealed the several Acts specified in the First Part of the Third Schedule hereto, with this Qualification, that so much of the said Acts as is set forth in the Second Part of the said Third Schedule shall be hereby re-enacted and continue in force as if unrepealed.

Saving Clause as to Repeal.

206. No Repeal hereby enacted shall affect,

(1.) Anything duly done under any Acts hereby repealed:

(2.) The Incorporation of any Company registered under any Act hereby repealed:

(3.) Any Right or Privilege acquired or Liability incurred under any Act hereby repealed:

(4.) Any Penalty, Forfeiture, or other Punishment incurred in respect of any Offence against any Act hereby repealed:

(5.) Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, or any Part thereof, so far as the same applies to any Company existing at the Time of the Commencement of this Act.

Saving of existing Proceedings for winding up.

207. Where previously to the Commencement of this Act an Order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same Manner and with the same Incidents as if this Act were not passed, and for the Purposes of such Winding-up such repealed Acts or Act shall be deemed to remain in full Force.

Saving of Conveyance Deeds.

208. Where previously to the Commencement of this Act any Conveyance, Mortgage, or other Deed has been made in pursuance of any Act hereby repealed, such Deed shall be of the same Force as if this Act had not passed, and for the Purposes of such Deed such repealed Act shall be deemed to remain in full Force.

Compulsory Registration of certain Companies.

209. Every Insurance Company completely registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, shall on or before the Second Day of *November* One thousand eight hundred and sixty-two, and every other Company required by any Act hereby repealed to register under the said Joint Stock Companies Acts, or One of such Acts, and which has

has not so registered, shall, on or before the Expiration of the Thirty-first Day from the Commencement of this Act, register itself as a Company under this Act, in manner and subject to the Regulations herein-before contained, with this Exception, that no Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty shall be required to deliver to the Registrar a Copy of its Deed of Settlement; and for the Purpose of enabling such Insurance Companies as are mentioned in this Section to register under this Act, this Act shall be deemed to come into operation immediately on the passing thereof; nevertheless the Registration of such Companies shall not have any Effect until the Time of the Commencement of this Act. No Fees shall be charged in respect of the Registration of any Company required to register by this Section.

Penalty on Company not registering. 21 Vict. c. 14. s. 28.

210. If any Company required by the last Section to register under this Act makes default in complying with the Provisions thereof, then, from and after the Day upon which such Company is required to register under this Act, until the Day on which such Company is registered under this Act (which it is empowered to do at any Time), the following Consequences shall ensue; (that is to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity:

(2.) No Dividend shall be payable to any Shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each Day during which the Company so being in default carries on Business incur a Penalty not exceeding Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use:

Nevertheless, such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section; and Registration under this Act shall cancel any Penalty or Forfeiture, and put an end to any Disability which any Company may have incurred under any Act hereby repealed by reason of its not having registered under the said Joint Stock Companies Acts, 1856, 1857, or One of them.

Temporary Power for Companies to change registered Office.

211. Upon the Application of the Directors of any Company registered under the Joint Stock Companies Acts as herein-before defined, or any of them, made within One Year after the Date of the Commencement of this Act, sanctioned by a Resolution passed at an Extraordinary General Meeting, but subject to the Restrictions herein-

 after

after mentioned, the Board of Trade shall have Authority by their Certificate in Writing to change the registered Office of any such Company from any one Part of the United Kingdom of *Great Britain* and *Ireland* to any other Part thereof, and the Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon Receipt of such Certificate, note in Writing upon the Margin or at the Foot of the said Memorandum the Name of the Place to which such registered Office is to be transferred, and the Day upon which such Transfer is pursuant to such Certificate to take place, and shall attach the Certificate to the Memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that Part of the United Kingdom to which the registered Office is to be so transferred Copies of the said Certificate and of the said Memorandum of Registration so noted certified by him; and the said Registrar for the said last-mentioned Part of the United Kingdom shall, upon Receipt of such Copies of Certificate and Memorandum, retain and register the same in like Manner, and on Payment of the like Fees to him as provided in the Case of the Registration of an original Memorandum of Registration, and thereupon the Place of the registered Office shall, from the said last-mentioned Registration and the said Day mentioned in the said Certificate, be the Place mentioned as such on the said Certificate: Provided, however, that such Change shall in nowise alter or affect anything theretofore done by the said Company, or any of their Rights or Liabilities in respect thereof.

Restrictions on Issue of Certificate.

212. The Board of Trade shall not issue their Certificate in pursuance of the foregoing Section until they are satisfied that an Advertisement of the Intention of the Company to apply to the Board of Trade for a Certificate, with a Declaration that all Parties objecting thereto are forthwith to apply to the Board of Trade, has been published once at the least in each of Four successive Weeks in the Newspapers following; that is to say, in some Newspaper circulating in the District where the registered Office of the Company is situate, and also if the Company is registered in *England* in the *London Gazette*, if in *Ireland* in the *Dublin Gazette*, if in *Scotland* in the *Edinburgh Gazette*, nor until the said Board are satisfied that the Objections, if any, that may be urged against the Issue of such Certificate are groundless.

FIRST

FIRST SCHEDULE.

TABLE A.

REGULATIONS for MANAGEMENT of a COMPANY LIMITED by SHARES.

Shares.

(1.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.

(2.) Every Member shall, on Payment of One Shilling, or such less Sum as the Company in General Meeting may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.

(3.) If such Certificate is worn out or lost, it may be renewed, on Payment of One Shilling, or such less Sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from Time to Time make such Calls upon the Members in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Member shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Directors.

(5.) A Call shall be deemed to have been made at the Time when the Resolution of the Directors authorizing such Call was passed.

(6.) If the Call payable in respect of any Share is not paid before or on the Day appointed for Payment thereof, the Holder for the Time being of such Share shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. per Annum from the Day appointed for the Payment thereof to the Time of the actual Payment.

(7.) The Directors may, if they think fit, receive from any Member willing to advance the same all or any Part of the Monies due upon the Shares held by him beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Member paying such Sum in advance and the Directors agree upon.

Transfers

Transfers of Shares.

(8.) The Instrument of Transfer of any Share in the Company shall be executed both by the Transferor and Transferee, and the Transferor shall be deemed to remain a Holder of such Share until the Name of the Transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be transferred in the following Form:—

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.* the Share [*or* Shares] numbered standing in my Name in the Books of the Company, to hold unto the said *C.D.*, his Executors, Administrators, and Assigns, subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said *C.D.* do hereby agree to take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands, the Day of

(10.) The Company may decline to register any Transfer of Shares made by a Member who is indebted to them.

(11.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the Ordinary General Meeting in each Year.

Transmission of Shares.

(12.) The Executors or Administrators of a deceased Member shall be the only Persons recognized by the Company as having any Title to his Share.

(13.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Member, or in consequence of the Marriage of any Female Member, may be registered as a Member upon such Evidence being produced as may from Time to Time be required by the Company.

(14.) Any Person who has become entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Member, or in consequence of the Marriage of any Female Member, may, instead of being registered himself, elect to have some Person to be named by him registered as a Transferee of such Share.

(15.) The Person so becoming entitled shall testify such Election by executing to his Nominee an Instrument of Transfer of such Share.

(16.) The Instrument of Transfer shall be presented to the Company, accompanied with such Evidence as the Directors may require to prove the Title of the Transferor, and thereupon the Company shall register the Transferee as a Member.

Forfeiture of Shares.

(17.) If any Member fails to pay any Call on the Day appointed for Payment thereof, the Directors may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with Interest and any Expenses that may have accrued by reason of such Nonpayment.

(18.) The

(18.) The Notice shall name a further Day, on or before which such Call, and all Interest and Expenses that have accrued by reason of such Nonpayment, are to be paid. It shall also name the Place where Payment is to be made (the Place so named being either the registered Office of the Company or some other Place at which Calls of the Company are usually made payable). The Notice shall also state that in the event of Nonpayment at or before the Time and at the Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.

(19.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may at any Time thereafter, before Payment of all Calls, Interest, and Expenses due in respect thereof has been made, be forfeited, by a Resolution of the Directors to that Effect.

(20.) Any Share so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company in General Meeting thinks fit.

(21.) Any Member whose Shares have been forfeited shall notwithstanding be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

(22.) A statutory Declaration in Writing, that the Call in respect of a Share was made and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was made by a Resolution of the Directors to that Effect, shall be sufficient Evidence of the Facts therein stated, as against all Persons entitled to such Share, and such Declaration and the Receipt of the Company for the Price of such Share shall constitute a good Title to such Share, and a Certificate of Proprietorship shall be delivered to a Purchaser, and thereupon he shall be deemed the Holder of such Share discharged from all Calls due prior to such Purchase, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the Sanction of the Company previously given in General Meeting, convert any paid up Shares into Stock.

(24.) When any Shares have been converted into Stock, the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Part of such Interests, in the same Manner and subject to the same Regulations as and subject to which any Shares in the Capital of the Company may be transferred, or as near thereto as Circumstances admit.

(25.) The several Holders of Stock shall be entitled to participate in the Dividends and Profits of the Company according to the Amount of their respective Interests in such Stock; and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages for the Purpose of voting

voting at Meetings of the Company, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company; but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any such aliquot Part of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages.

Increase in Capital.

(26.) The Directors may, with the Sanction of a special Resolution of the Company previously given in General Meeting, increase its Capital by the Issue of new Shares, such aggregate Increase to be of such Amount, and to be divided into Shares of such respective Amounts, as the Company in General Meeting directs, or, if no Direction is given, as the Directors think expedient.

(27.) Subject to any Direction to the contrary that may be given by the Meeting that sanctions the Increase of Capital, all new Shares shall be offered to the Members in proportion to the existing Shares held by them, and such Offer shall be made by Notice specifying the Number of Shares to which the Member is entitled, and limiting a Time within which the Offer, if not accepted, will be deemed to be declined, and after the Expiration of such Time, or on the Receipt of an Intimation from the Member to whom such Notice is given that he declines to accept the Shares offered, the Directors may dispose of the same in such Manner as they think most beneficial to the Company.

(28.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions with reference to the Payment of Calls, and the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital.

General Meetings.

(29.) The First General Meeting shall be held at such Time, not being more than Six Months after the Registration of the Company, and at such Place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a Requisition made in Writing by not less than One Fifth in Number of the Members of the Company, convene an Extraordinary General Meeting.

(33.) Any Requisition made by the Members shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon

(34.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Members amounting to the required Number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven Days Notice at the least, specifying the Place, the Day, and the Hour of Meeting, and in case of special Business the general Nature of such Business, shall be given to the Members in manner herein-after mentioned, or in such other Manner, if any, as may be prescribed by the Company in General Meeting; but the Non-receipt of such Notice by any Member shall not invalidate the Proceedings at any General Meeting.

(36.) All Business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the Exception of sanctioning a Dividend and the Consideration of the Accounts, Balance Sheets, and the ordinary Report of the Directors.

(37.) No Business shall be transacted at any General Meeting, except the Declaration of a Dividend, unless a Quorum of Members is present at the Time when the Meeting proceeds to Business; and such Quorum shall be ascertained as follows; that is to say, if the Persons who have taken Shares in the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Twenty.

(38.) If within One Hour from the Time appointed for the Meeting a Quorum is not present, the Meeting, if convened upon the Requisition of Members, shall be dissolved: In any other Case it shall stand adjourned to the same Day in the next Week, at the same Time and Place; and if at such adjourned Meeting a Quorum is not present, it shall be adjourned sine die.

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.

(40.) If there is no such Chairman, or if at any Meeting he is not present within Fifteen Minutes after the Time appointed for holding the Meeting, the Members present shall choose some One of their Number to be Chairman.

(41.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

(42.) At any General Meeting, unless a Poll is demanded by at least Five Members, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof

Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

(43.) If a Poll is demanded by Five or more Members it shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting. In the Case of an Equality of Votes at any General Meeting the Chairman shall be entitled to a Second or Casting Vote.

Votes of Members.

(44.) Every Member shall have One Vote for every Share up to Ten: He shall have an additional Vote for every Five Shares beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares beyond the first Hundred Shares.

(45.) If any Member is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator.

(46.) If One or more Persons are jointly entitled to a Share or Shares, the Member whose Name stands first in the Register of Members as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.

(47.) No Member shall be entitled to vote at any General Meeting unless all Calls due from him have been paid, and no Member shall be entitled to vote in respect of any Share that he has acquired by Transfer at any Meeting held after the Expiration of Three Months from the Registration of the Company, unless he has been possessed of the Share in respect of which he claims to vote for at least Three Months previously to the Time of holding the Meeting at which he proposes to vote.

(48.) Votes may be given either personally or by Proxy.

(49.) The Instrument appointing a Proxy shall be in Writing, under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal, and shall be attested by One or more Witness or Witnesses: No Person shall be appointed a Proxy who is not a Member of the Company.

(50.) The Instrument appointing a Proxy shall be deposited at the registered Office of the Company not less than Seventy-two Hours before the Time for holding the Meeting at which the Person named in such Instrument proposes to vote, but no Instrument appointing a Proxy shall be valid after the Expiration of Twelve Months from the Date of its Execution.

(51.) Any Instrument appointing a Proxy shall be in the following Form:—

Company Limited.

I of in the County of being a Member of the Company Limited, and entitled to Vote *or* Votes, hereby appoint of as my Proxy, to vote for me and on my Behalf at the [Ordinary *or* Extraordinary, *as the Case may be*] General Meeting of the Company to be held on the Day of , and at any Adjournment thereof [*or*, at any Meeting of the Company that may be held in the Year].

As witness my Hand, this Day of

Signed by the said in the Presence of

Directors.

Directors.

(52.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

(53.) Until Directors are appointed the Subscribers of the Memorandum of Association shall be deemed to be Directors.

(54.) The future Remuneration of the Directors, and their Remuneration for Services performed previously to the First General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The Business of the Company shall be managed by the Directors, who may pay all Expenses incurred in getting up and registering the Company, and may exercise all such Powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any Regulations of these Articles, to the Provisions of the foregoing Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

(56.) The continuing Directors may act notwithstanding any Vacancy in their Body.

Disqualification of Directors.

(57.) The Office of Director shall be vacated,—

If he holds any other Office or Place of Profit under the Company:

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the Profits of any Contract with the Company;

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Member of any Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted.

Rotation of Directors.

(58.) At the First Ordinary Meeting after the Registration of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.

(59.) The One Third or other nearest Number to retire during the First and Second Years ensuing the First Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by Ballot:

Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of Persons.

(62.) If at any Meeting at which an Election of Directors ought to take place the Places of the vacating Directors are not filled up, the Meeting shall stand adjourned till the same Day in the next Week, at the same Time and Place; and if at such adjourned Meeting the Places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their Places filled up, shall continue in Office until the Ordinary Meeting in the next Year, and so on from Time to Time until their Places are filled up.

(63.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.

(64.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

(65.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and may by an ordinary Resolution appoint another Person in his Stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman shall have a Second or Casting Vote: A Director may at any Time summon a Meeting of the Directors.

(67.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.

(68.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

(69.) A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

(70.) A Committee may meet and adjourn as they think proper: Questions arising at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

(71.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Members in proportion to their Shares.

(73.) No Dividend shall be payable except out of the Profits arising from the Business of the Company.

(74.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing or maintaining the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they may select.

(75.) The Directors may deduct from the Dividends payable to any Member all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.

(76.) Notice of any Dividend that may have been declared shall be given to each Member in manner herein-after mentioned; and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.

(77.) No Dividend shall bear Interest as against the Company.

Accounts.

(78.) The Directors shall cause true Accounts to be kept,—

Of the Stock in Trade of the Company;

Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place; and,

Of the Credits and Liabilities of the Company:

The Books of Account shall be kept at the registered Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Members during the Hours of Business.

(79.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.

(80.) The

(80.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

(81.) A Balance Sheet shall be made out in every Year, and laid before the Company in General Meeting, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.

(82.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be served on every Member in the Manner in which Notices are herein-after directed to be served.

Audit.

(83.) Once at the least in every Year the Accounts of the Company shall be examined, and the Correctness of the Balance Sheet ascertained, by One or more Auditor or Auditors.

(84.) The First Auditors shall be appointed by the Directors: Subsequent Auditors shall be appointed by the Company in General Meeting.

(85.) If One Auditor only is appointed, all the Provisions herein contained relating to Auditors shall apply to him.

(86.) The Auditors may be Members of the Company; but no Person is eligible as an Auditor who is interested otherwise than as a Member in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.

(87.) The Election of Auditors shall be made by the Company at their Ordinary Meeting in each Year.

(88.) The Remuneration of the First Auditors shall be fixed by the Directors; that of subsequent Auditors shall be fixed by the Company in General Meeting.

(89.) Any Auditor shall be re-eligible on his quitting Office.

(90.) If any casual Vacancy occurs in the Office of any Auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.

(91.) If no Election of Auditors is made in manner aforesaid the Board of Trade may, on the Application of not less than Five Members of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.

(92.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.

(93.) Every

(93.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and shall at all reasonable Times have Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

(94.) The Auditors shall make a Report to the Members upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Notices.

(95.) A Notice may be served by the Company upon any Member either personally, or by sending it through the Post in a prepaid Letter addressed to such Member at his registered Place of Abode.

(96.) All Notices directed to be given to the Members shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of such Persons is named first in the Register of Members; and Notice so given shall be sufficient Notice to all the Holders of such Share.

(97.) Any Notice, if served by Post, shall be deemed to have been served at the Time when the Letter containing the same would be delivered in the ordinary Course of the Post; and in proving such Service it shall be sufficient to prove that the Letter containing the Notices was properly addressed and put into the Post Office.

Dr. BALANCE SHEET of the Co. made up to 18 . Cr.

CAPITAL AND LIABILITIES.		£ s. d.	£ s. d.
I. CAPITAL -	*Showing:*		
	1. *The Number of Shares* - -		
	2. *The Amount paid per Share* - -		
	3. *If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters.*		
	4. *The Particulars of any forfeited Shares.*		
II. DEBTS AND LIABILITIES of the Company -	*Showing:*		
	5. *The Amount of Loans on Mortgages or Debenture Bonds.*		
	6. *The Amount of Debts owing by the Company, distinguishing—*		
	(a.) *Debts for which Acceptances have been given.*		
	(b.) *Debts to Tradesmen for Supplies of Stock in Trade or other Articles.*		
	(c.) *Debts for Law Expenses.*		
	(d.) *Debts for Interest on Debentures or other Loans.*		
	(e.) *Unclaimed Dividends.*		
	(f.) *Debts not enumerated above.*		
VI. RESERVE FUND -	*Showing:* *The Amount set aside from Profits to meet Contingencies.*		
VII. PROFIT AND LOSS -	*Showing:* *The disposable Balance for Payment of Dividend, &c.*		
CONTINGENT LIABILITIES	*Claims against the Company not acknowledged as Debts.* *Monies for which the Company is contingently liable.*		

PROPERTY AND ASSETS.		£ s. d.	£ s. d.
III. PROPERTY held by the Company -	*Showing:*		
	7. *Immovable Property, distinguishing* -		
	(a.) *Freehold Land* - -		
	(b.) „ *Buildings* - -		
	(c.) *Leasehold* „ - -		
	8. *Moveable Property, distinguishing* -		
	(d.) *Stock in Trade* - -		
	(e.) *Plant* - - -		
	The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.		
IV. DEBTS owing to the Company -	*Showing:*		
	9. *Debts considered good for which the Company hold Bills or other Securities.*		
	10. *Debts considered good for which the Company hold no Security.*		
	11. *Debts considered doubtful and bad* -		
	Any Debt due from a Director or other Officer of the Company to be separately stated.		
V. CASH AND INVESTMENTS	*Showing:*		
	12. *The Nature of Investment and Rate of Interest.*		
	13. *The Amount of Cash, where lodged, and if bearing Interest.*		

TABLE B.

TABLE OF FEES to be paid to the REGISTRAR of JOINT STOCK COMPANIES by a Company having a Capital divided into Shares.

	£	s.	d.
For Registration of a Company whose nominal Capital does not exceed 2,000*l.*, a Fee of - - - - - -	2	0	0
For Registration of a Company whose nominal Capital exceeds 2,000*l.*, the above Fee of 2*l.*, with the following additional Fees, regulated according to the Amount of nominal Capital; (that is to say,)			
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 2,000*l.*, up to 5,000*l.* -	1	0	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 5,000*l.*, up to 100,000*l.* -	0	5	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 100,000*l.* - - -	0	1	0
For Registration of any Increase of Capital made after the First Registration of the Company, the same Fees per 1,000*l.*, or Part of a 1,000*l.*, as would have been payable if such increased Capital had formed Part of the original Capital at the Time of Registration.			
Provided that no Company shall be liable to pay in respect of nominal Capital on Registration, or afterwards, any greater Amount of Fees than 50*l.*, taking into account in the Case of Fees payable on an Increase of Capital after Registration the Fees paid on Registration.			
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - -	0	5	0

TABLE C.

TABLE OF FEES to be paid to the REGISTRAR of JOINT STOCK COMPANIES by a Company not having a Capital divided into Shares.

	£	s.	d.
For Registration of a Company whose Number of Members as stated in the Articles of Association does not exceed 20 -	2	0	0
For Registration of a Company whose Number of Members, as stated in the Articles of Association, exceeds 20, but does not exceed 100 - - - - - - -	5	0	0
For Registration of a Company whose Number of Members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above Fee of 5*l.*, with an additional 5*s.* for			

	£	s.	d.
5*s.* for every 50 Members or less Number than 50 Members after the first 100.			
For Registration of a Company in which the Number of Members is stated in the Articles of Association to be unlimited, a Fee of -	20	0	0
For Registration of any Increase on the Number of Members made after the Registration of the Company in respect of every 50 Members, or less than 50 Members, of such Increase - -	0	5	0
Provided that no One Company shall be liable to pay on the whole a greater Fee than 20*l.* in respect of its Number of Members, taking into account the Fee paid on the First Registration of the Company.			
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - -	0	5	0

FORM D.

FORM OF STATEMENT referred to in Part III. of the Act.

* The Capital of the Company is , divided into Shares of each.

The Number of Shares issued is

Calls to the Amount of Pounds per Share have been made, under which the Sum of Pounds has been received.

The Liabilities of the Company on the First Day of January (*or* July) were,—

Debts owing to sundry Persons by the Company:

On Judgment, £

On Specialty, £

On Notes or Bills, £

On Simple Contracts, £

On estimated Liabilities, £

The Assets of the Company on that Day were,—

Government Securities [*stating them*], £

Bills of Exchange and Promissory Notes, £

Cash at the Bankers, £

Other Securities, £

* If the Company has no Capital divided into Shares the Portion of the Statement relating to Capital and Shares must be omitted.

SECOND

SECOND SCHEDULE.

FORM A.

MEMORANDUM of ASSOCIATION of a Company limited by Shares.

1st. The Name of the Company is "The Eastern Steam Packet Company, "Limited."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are, "the Convey- "ance of Passengers and Goods in Ships or Boats between such Places as the "Company may from Time to Time determine, and the doing all such other "Things as are incidental or conducive to the Attainment of the above "Object."

4th. The Liability of the Members is limited.

5th. The Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.			Number of Shares taken by each Subscriber.
"1. John Jones of	in the County of	Merchant	200
"2. John Smith of	in the County of	- -	25
"3. Thomas Green of	in the County of	- -	30
"4. John Thompson of	in the County of	- -	40
"5. Caleb White of	in the County of	- -	15
"6. Andrew Brown of	in the County of	- -	5
"7. Cæsar White of	in the County of	- -	10
	Total Shares taken	- - -	325

Dated the 22d Day of November 1861.

Witness to the above Signatures.

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM B.

MEMORANDUM and ARTICLES of ASSOCIATION of a Company limited by Guarantee, and not having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is "The Mutual London Marine Association, "Limited."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are, "the mutual "Insurance of Ships belonging to Members of the Company, and the doing "all such other Things as are incidental or conducive to the Attainment of "the above Objects."

4th. Every

4th. Every Member of the Company undertakes to contribute to the Assets of the Company in the event of the same being wound up during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and the Costs, Charges, and Expenses of winding up the same, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required not exceeding Ten Pounds.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	in the County of	Merchant.
" 2. John Smith of	in the County of	
" 3. Thomas Green of	in the County of	
" 4. John Thompson of	in the County of	
" 5. Caleb White of	in the County of	
" 6. Andrew Brown of	in the County of	
" 7. Cæsar White of	in the County of	

Dated the 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

ARTICLES of ASSOCIATION to accompany preceding MEMORANDUM of ASSOCIATION.

(1.) The Company, for the Purpose of Registration, is declared to consist of Five hundred Members.

(2.) The Directors herein-after mentioned may, whenever the Business of the Association requires it, register an Increase of Members.

Definition of Members.

(3.) Every Person shall be deemed to have agreed to become a Member of the Company who insures any Ship or Share in a Ship in pursuance of the Regulations herein-after contained.

General Meetings.

(4.) The First General Meeting shall be held at such Time, not being more than Three Months after the Incorporation of the Company, and at such Place, as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may, whenever they think fit, and they shall, upon a Requisition made in Writing by any Five or more Members, convene an Extraordinary General Meeting.

(8.) Any

(8.) Any Requisition made by the Members shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Five Members, may themselves convene a Meeting.

Proceedings at General Meetings.

(10.) Seven Days Notice at the least, specifying the Place, the Day, and the Hour of Meeting, and in case of special Business the general Nature of such Business, shall be given to the Members in manner herein-after mentioned, or in such other Manner, if any, as may be prescribed by the Company in General Meeting; but the Non-receipt of such Notice by any Member shall not invalidate the Proceedings at any General Meeting.

(11.) All Business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the Exception of the Consideration of the Accounts, Balance Sheets, and the ordinary Report of the Directors.

(12.) No Business shall be transacted at any Meeting except the Declaration of a Dividend, unless a Quorum of Members is present at the Commencement of such Business; and such Quorum shall be ascertained as follows; that is to say, if the Members of the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Thirty.

(13.) If within One Hour from the Time appointed for the Meeting a Quorum of Members is not present, the Meeting, if convened upon the Requisition of the Members, shall be dissolved: In any other Case it shall stand adjourned to the same Day in the following Week at the same Time and Place; and if at such adjourned Meeting a Quorum of Members is not present, it shall be adjourned sine die.

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting.

(16.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

(17.) At any General Meeting, unless a Poll is demanded by at least Five Members, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company,

Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

(18.) If a Poll is demanded in manner aforesaid, the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every Member shall have One Vote and no more.

(20.) If any Member is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator.

(21.) No Member shall be entitled to vote at any Meeting unless all Monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under its Common Seal.

(23.) No Person shall be appointed a Proxy who is not a Member, and the Instrument appointing him shall be deposited at the registered Office of the Company not less than Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote.

(24.) Any Instrument appointing a Proxy shall be in the following Form:—

Company Limited.

I of in the County of being a Member of the Company Limited, hereby appoint of as my Proxy, to vote for me and on my Behalf at the [Ordinary *or* Extraordinary, *as the Case may be*] General Meeting of the Company to be held on the Day of , and at any Adjournment thereof to be held on the Day of next [*or*, at any Meeting of the Company that may be held in the Year]

As witness my Hand, this Day of

Signed by the said in the Presence of

Directors.

(25.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

(26.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

Powers of Directors.

(27.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

Election

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

[*Here insert Rules as to Mode in which Business of Insurance is to be conducted.*]

Accounts.

(29.) The Accounts of the Company shall be audited by a Committee of Five Members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the Body of Members.

(31.) Subsequent Audit Committees shall be nominated by the Members at the Ordinary General Meeting in each Year.

(32.) The Audit Committee shall be supplied with a Copy of the Balance Sheet, and it shall be their Duty to examine the same with the Accounts and Vouchers relating thereto.

(33.) The Audit Committee shall have a List delivered to them of all Books kept by the Company, and they shall at all reasonable Times have Access to the Books and Accounts of the Company: They may, at the Expense of the Company, employ Accountants or other Persons to assist them in investigating such Accounts, and they may in relation to such Accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a Report to the Members upon the Balance Sheet and Accounts, and in every such Report they shall state whether in their Opinion the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations of the Company, and properly drawn up, so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanation or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory, and such Report shall be read together with the Report of the Directors at the Ordinary Meeting.

Notices.

(35.) A Notice may be served by the Company upon any Member either personally, or by sending it through the Post in a prepaid Letter addressed to such Member at his registered Place of Abode.

(36.) Any Notice, if served by Post, shall be deemed to have been served at the Time when the Letter containing the same would be delivered in the ordinary Course of the Post; and in proving such Service it shall be sufficient to prove that the Letter containing the Notice was properly addressed, and put into the Post Office.

Winding up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Companies Act, 1862, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	in the County of	Merchant.
" 2. John Smith of	in the County of	
" 3. Thomas Green of	in the County of	
" 4. John Thompson of	in the County of	
" 5. Caleb White of	in the County of	
" 6. Andrew Brown of	in the County of	
" 7. Cæsar White of	in the County of	

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM C.

MEMORANDUM and ARTICLES of ASSOCIATION of a Company limited by Guarantee, and having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is "The Highland Hotel Company, " Limited."

2d. The registered Office of the Company will be situate in Scotland.

3d. The Objects for which the Company is established are "the facilitating " travelling in the Highlands of Scotland, by providing Hotels and Convey- " ances by Sea and by Land for the Accommodation of Travellers, and the " doing all such other Things as are incidental or conducive to the Attain- " ment of the above Object."

4th. Every Member of the Company undertakes to contribute to the Assets of the Company in the event of the same being wound up during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and the Costs, Charges, and Expenses of winding up the same, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required not exceeding Twenty Pounds.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	in the County of	Merchant.
" 2. John Smith of	in the County of	
" 3. Thomas Green of	in the County of	
" 4. John Thompson of	in the County of	
" 5. Caleb White of	in the County of	
" 6. Andrew Brown of	in the County of	
" 7. Cæsar White of	in the County of	

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

Articles

Articles of Association to accompany preceding Memorandum of Association.

1. The Capital of the Company shall consist of Five hundred thousand Pounds, divided into Five thousand Shares of One hundred Pounds each.

2. The Directors may, with the Sanction of the Company in General Meeting, reduce the Amount of Shares.

3. The Directors may, with the Sanction of the Company in General Meeting, cancel any Shares belonging to the Company.

4. All the Articles of Table A. shall be deemed to be incorporated with these Articles, and to apply to the Company.

WE, the several Persons whose Names and Addresses are subscribed, agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.		Number of Shares taken by each Subscriber.
" 1. John Jones of	in the County of -	200
" 2. John Smith of	in the County of -	25
" 3. Thomas Green of	in the County of -	30
" 4. John Thompson of	in the County of -	40
" 5. Caleb White of	in the County of -	15
" 6. Andrew Brown of	in the County of -	5
" 7. Cæsar White of	in the County of -	10
Total Shares taken	- - -	325

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM D.

MEMORANDUM and ARTICLES of ASSOCIATION of an unlimited Company, having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is " The Patent Stereotype Company."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are " the working of " a Patent Method of founding and casting Stereotype Plates, of which Method " John Smith, of London, is the sole Patentee."

WE,

WE, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of in the County of Merchant.
" 2. John Smith of in the County of
" 3. Thomas Green of in the County of
" 4. John Thompson of in the County of
" 5. Caleb White of in the County of
" 6. Andrew Brown of in the County of
" 7. Abel Brown of in the County of

Dated 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The Capital of the Company is Two thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

Application of Table A.

All the Articles of Table A. shall be deemed to be incorporated with these Articles, and to apply to the Company.

WE, the several Persons whose Names and Addresses are subscribed, agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.			Number of Shares taken by Subscribers.
" 1. John Jones of	in the County of	Merchant	1
" 2. John Smith of	in the County of	-	5
" 3. Thomas Green of	in the County of	-	2
" 4. John Thompson of	in the County of	-	2
" 5. Caleb White of	in the County of	-	3
" 6. Andrew Brown of	in the County of	-	4
" 7. Abel Brown of	in the County of	-	1
Total Shares taken	-	- -	18

Dated the 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

FORM

FORM E. as required by the Second Part of the Act.

SUMMARY of CAPITAL and SHARES of the COMPANY, made up to the Day of

Nominal Capital £ divided into Shares of £ each.
Number of Shares taken up to the Day of
There has been called up on each Share £
Total Amount of Calls received £
Total Amount of Calls unpaid £

LIST of Persons holding Shares in the Company on the Day of , and of Persons who have held Shares thereon at any Time during the Year immediately preceding the said Day of , showing their Names and Addresses, and an Account of the Shares so held.

Folio in Register Ledger containing Particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Members on the Day of	Additional Shares held by existing Members during preceding Year.		Shares held by Persons no longer Members.		
						Number.	Date of Transfer.	Number.	Date of Transfer.	

FORM F.

LICENCE to hold LANDS.

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations hereby license the Association, Limited, to hold the Lands hereunder described [*insert Description of Lands*]. The Conditions of this Licence are [*insert Conditions, if any*].

THIRD

THIRD SCHEDULE.

FIRST PART.

Date and Chapter of Act.	Title of Act.
21 & 22 Geo. 3. c. 46. (Parliament of Ireland.)	An Act to promote Trade and Manufactures by regulating and encouraging Partnerships.
7 & 8 Vict. c. 110.	An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.
7 & 8 Vict. c. 111.	An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.
7 & 8 Vict. c. 113.	An Act to regulate Joint Stock Banks in England.
8 & 9 Vict. c. 98.	An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.
9 & 10 Vict. c. 28.	An Act to facilitate the Dissolution of certain Railway Companies.
9 & 10 Vict. c. 75.	An Act to regulate Joint Stock Banks in Scotland and Ireland.
10 & 11 Vict. c. 78.	An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.
11 & 12 Vict. c. 45.	An Act to amend the Acts for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also to facilitate the Dissolution and winding up of Joint Stock Companies and other Partnerships.
12 & 13 Vict. c. 108.	An Act to amend the Joint Stock Companies Winding-up Act, 1848.
19 & 20 Vict. c. 47.	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations.
20 & 21 Vict. c. 14.	An Act to amend the Joint Stock Companies Act, 1856.
20 & 21 Vict. c. 49.	An Act to amend the Law relating to Banking Companies.
20 & 21 Vict. c. 78.	An Act to amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the Joint Stock Companies Winding-up Acts, 1848 and 1849.
20 & 21 Vict. c. 80.	An Act to amend the Joint Stock Companies Act, 1856.
21 & 22 Vict. c. 60.	An Act to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857.
21 & 22 Vict. c. 91.	An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

SECOND PART.

7 & 8 Vict. c. 113. s. 47.

Existing Companies to have the Powers of suing and being sued.

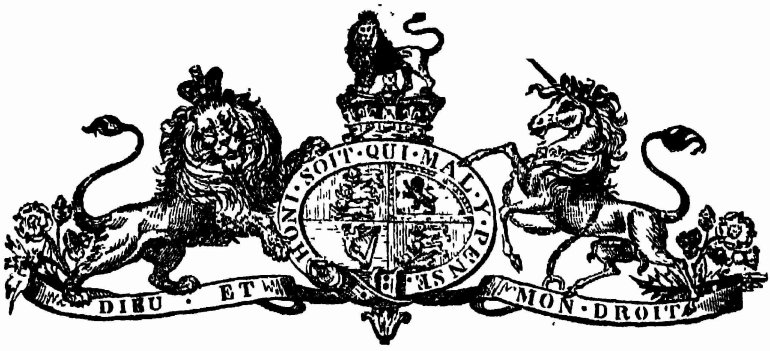
Every Company of more than Six Persons established on the Sixth Day of May One thousand eight hundred and forty-four, for the Purpose of carrying on the Trade or Business of Bankers within the Distance of Sixty-five Miles from London, and not within the Provisions of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, shall have the same Powers and Privileges of suing and being sued in the Name of any One of the Public Officers of such Copartnership as the nominal Plaintiff, Petitioner, or Defendant on behalf of such Copartnership; and all Judgments, Decrees, and Orders made and obtained in any such Suit may be enforced in like Manner as is provided with respect to such Companies carrying on the said Trade or Business at any Place in England exceeding the Distance of Sixty-five Miles from London, under the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth, Chapter Forty-six, intituled "An Act for the "better regulating Copartnerships of certain Bankers in England, and for "amending so much of an Act of the Thirty-ninth and Fortieth Years of "the Reign of His late Majesty King George the Third, intituled 'An Act "'for establishing an Agreement with the Governor and Company of the "'Bank of England for advancing the Sum of Three Millions towards "'the Supply for the Service of the Year One thousand eight hundred,' "as relates to the same," provided that such first-mentioned Company shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act, and all the Provisions of the last-recited Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by such first-mentioned Companies as if they had been originally included in the Provisions of the last-recited Act.

20 & 21 Vict. c. 49., Part of Section XII.

Power to form Banking Partnerships of Ten Persons.

Notwithstanding anything contained in any Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled "An Act to regulate Joint "Stock Banks in England," or in any other Act, it shall be lawful for any Number of Persons, not exceeding Ten, to carry on in Partnership the Business of Banking, in the same Manner and upon the same Conditions in all respects as any Company of not more than Six Persons could before the passing of this Act have carried on such Business.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XC.

An Act for rectifying a clerical Error in the Act of the present Session, Chapter Forty, with respect to the *African* Slave Trade Treaty.

[7th *August* 1862.]

WHEREAS in the Act of the present Session of Parliament, Chapter Forty, intituled *An Act to carry into effect the Treaty between Her Majesty and the United States of* America *for the Suppression of the* African *Slave Trade*, it is accurately recited that it was on the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two that the Treaty to which the Act relates was signed at *Washington*, but in the Form (given in the Eighth Section of the Act) of the Oath to be taken by Judges and Arbitrators to be appointed by Her Majesty for the Purposes of the Treaty, Reference is made to the Treaty as having been signed at *Washington* on the Seventh Day of *June* One thousand eight hundred and sixty-two, the Word "*June*" being given (by clerical Error) for the Word "*April*," and it is expedient that the Error be rectified: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

25 & 26 Vict. c. 40.

1. The

Form of Oath to be taken by Judges, &c. instead of that in recited Act. [*See Act of this Session*, Cap. 40, Sect. 8., Page 378.]

1. The Oath which, in accordance with the Eighth Section of the recited Act, is to be taken by every Judge and Arbitrator referred to in that Section, shall not be in the Form which is given in that Section, but shall be in the Form following; that is to say,

'I *A. B.* do solemnly swear that I will, according to the best of my Skill and Knowledge, act in the Execution of my Office of faithfully, impartially, fairly, and without Prejudice or Disfavour, either for or against Claimants or Captors, or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between Her Majesty and the United States of America, signed at Washington on the Seventh Day of April One thousand eight hundred and sixty-two.'

Recited Act to be read accordingly.

2. The recited Act, as from the Time of the passing thereof into a Law, shall be read and have Effect as if the Oath which, in accordance with the Eighth Section of that Act is to be taken by Judges and Arbitrators were an Oath not in the Form which is given in that Behalf in that Section, but in the Form which is given in that Behalf in this Act, and the recited Act and this Act shall accordingly be read and have Effect as if they were One Act.

Short Titles.

3. The recited Act and this Act may for all Purposes be cited as follows; (that is to say,) the recited Act as the "*African* Slave Trade Treaty Act (No. 1.), 1862," this Act as the "*African* Slave Trade Treaty Act (No. 2.), 1862," and the recited Act and this Act together as the "*African* Slave Trade Treaty Acts (Nos. 1. and 2.), 1862."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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under the Direction of the Royal College of Physicians of *Edinburgh*, but without any legal Sanction, and published in *Ireland* under the Direction of the King and Queen's College of Physicians in *Ireland*, and sanctioned by Act of Parliament: And whereas the Pharmacopœia to be published by the said Council is intended to supersede the above-mentioned Pharmacopœias: And whereas it is expedient to incorporate the said Council, and to make such Provisions as are herein-after contained with respect to the said *British* Pharmacopœia: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Incorporation of Council.

1. "The General Council of Medical Education and Registration of the United Kingdom" shall be deemed to be and to have been, from the Date of its first Establishment, a Body Corporate by the Name aforesaid, having a perpetual Succession and a Common Seal, with a Capacity to hold Lands for the Purposes of the said Medical Act.

Right of printing Pharmacopœia vested in Council.

2. The exclusive Right of publishing, printing, and selling the said Pharmacopœia shall vest in the said General Council, subject to this Proviso, that it shall be lawful for the Commissioners of the Treasury from Time to Time to fix the Price at which Copies of the said Work are to be sold to the Public.

Notice to be given in Gazettes when British Pharmacopœia is published.

3. The *British* Pharmacopœia, when published, shall for all Purposes be deemed to be substituted throughout *Great Britain* and *Ireland* for the several above-mentioned Pharmacopœias, and any Act of Parliament, Order in Council, or Custom relating to any of such last-mentioned Pharmacopœias shall be deemed, after the Publication of the *British* Pharmacopœia, to refer to such Pharmacopœia.

Notice in the *London*, *Edinburgh*, and *Dublin* Gazettes to the Effect that the *British* Pharmacopœia has been published shall be deemed sufficient Evidence of its Publication for the Purposes of this Act, and a Copy of the said Pharmacopœia printed by such Person as may be named in the said Notice, or in any other Notice published in the said Gazettes, as authorized by the General Council to print the said Pharmacopœia, shall be admitted in Evidence as being the Pharmacopœia directed to be published by the above-mentioned Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode.
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XCII.

An Act to limit the Time for proceeding to Elections in Counties and Boroughs in *Ireland*.

[7th *August* 1862.]

WHEREAS by the Fifth Section of the Act of the First *George* the Fourth, Chapter Eleven, it is provided that immediately after the Receipt of the Writ for making an Election for any County in *Ireland* the Sheriff of such County shall endorse thereon the Date of receiving the same, and that such Sheriff shall, within Two Days after the Receipt of such Writ, cause Proclamation of the Time and Place of holding such Election to be made at the Place where the ensuing Election ought by Law to be holden, between the Hours of Ten of the Clock of the Forenoon and Two of the Clock in the Afternoon, and that the said Sheriff on the same Day shall cause to be affixed on the Doors of the County Court House Public Notice, signed by himself, of a Special County Court to be there holden for the Purpose of such Election only, and which shall be holden on some Day (*Sunday*, *Christmas Day*, and *Good Friday* excepted) not later from the Day of making such Proclamation and affixing such Notice than the Sixteenth Day, nor sooner than the Tenth Day: And whereas it is expedient to limit the Time for proceeding to such Elections: Be it therefore enacted

1 G. 4. c. 11. s. 5.

 by

by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Elections in Counties in Ireland to be not later than Twelfth nor sooner than Sixth Day from Day of Proclamation.

1. From and after the passing of this Act any such Special County Court for the Purpose of the Election of a Member or Members to serve in Parliament for any County in *Ireland* shall be holden on any Day (*Sunday*, *Good Friday*, and *Christmas Day* excepted) not later from the Day of making such Proclamation than the Twelfth Day, nor sooner than the Sixth Day; provided that this Section shall not apply to the Election for any County of a City or of a Town.

9 & 10 Vict. c. 30. repealed.

Elections in Cities, &c. to be within Six Days after Receipt of Writ or Precept, giving Three clear Days Notice.

2. From and after the passing of this Act the Act of the Ninth and Tenth *Victoria*, Chapter Thirty, defining the Notice of Elections of Members to serve in Parliament for Cities, Towns, or Boroughs in *Ireland*, shall be and the same is hereby repealed; and in every City or Town in *Ireland*, being a County of itself, and in every Borough in *Ireland*, returning or contributing to return a Member or Members to serve in Parliament, the Sheriff or other Officer to whom the Duty of giving such Notice belongs shall proceed to Election within Six Days after the Receipt of the Writ or Precept, giving Three clear Days Notice at least of the Day appointed for the Election, exclusive of the Day of Proclamation and the Day of Election.

Sheriff to be Returning Officer in Boroughs where the Office of Returning Officer shall be vacant.

3. Every Writ for making any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland* shall be directed to the Returning Officer of the said City, Town, or Borough, or his Deputy, and in their Absence to the Sheriff of the County in which the said City, Town, or Borough is situate; and in all Cases whatever whenever there shall be, either from temporary Vacancy or from some other Cause, no Person duly qualified in any such City, Town, or Borough to perform the Duties of a Returning Officer for the same, the Sheriff of the County in which such City, Town, or Borough is situate shall be charged with the Execution of the said Writ, and shall execute the same, and in all respects perform the Duties of and incidental to the Office of Returning Officer: Provided always, that it shall not be lawful for the said Sheriff to receive or execute the Writ except when there shall be no Person within the said City, Town, or Borough legally qualified and competent as Returning Officer to execute the same.

Writs, &c. to be conformable to this Act.

4. All Writs for the Election of any Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* issued after the Commencement of this Act, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such

such Writs, shall be and the same are hereby authorized to be framed and expressed in such Manner and Form as may be necessary for carrying the Provisions of this Act into effect.

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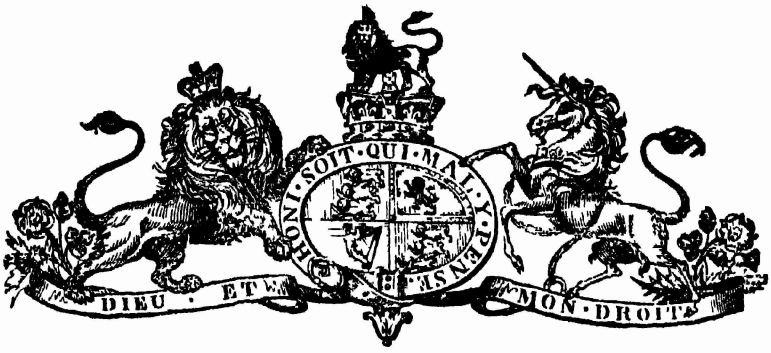


ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XCIII.

An Act for embanking the North Side of the River *Thames* from *Westminster Bridge* to *Blackfriars Bridge*, and for making new Streets in and near thereto. [7th *August* 1862.]

WEREAS by "The *London* Coal and Wine Duties Continuance Act, 1861," after reciting that by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Ten, intituled *An Act for the Relief of the Orphans and other Creditors of the City of* London, it was enacted (amongst other things) that, towards raising a Fund as therein mentioned, a Duty of Four Shillings *per* Tun should be imposed upon all Sorts of Wines whatsoever which from and after the Fourth Day of *June* One thousand six hundred and ninety-four should be imported into the Port of the City of *London*, or the Members thereof, by way of Merchandise, over and above the then present Duties charged or chargeable thereupon, and so proportionably for a greater or lesser Quantity, which said Duty should from Time to Time for ever be paid by the Importer thereof unto the Mayor, Commonalty, and Citizens of the City of *London* (herein-after called "the Corporation of *London*"); and reciting, that by the Acts therein-after mentioned, and therein-after referred to 24 & 25 Vict. c. 42.

 as

as the Coal Duties Acts, or some or One of such Acts, Two several Duties of One Penny and Twelvepence *per* Ton were authorized to be levied by the Corporation of *London* upon all Coals, Culm, and Cinders brought to any Place within the Port of *London* or within the Cities of *London* and *Westminster* and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed or thereafter to be constructed, or by Inland Navigation, or by any other Means of Conveyance, it was enacted (amongst other things), that the above-mentioned Duty of Four Shillings a Tun on Wines should continue and be levied in all respects in the same Manner as the same was then leviable until the Fifth Day of *July* One thousand eight hundred and seventy-two; and that all Duties authorized by the said Coal Duties Acts or any of them to be levied upon Coal, Culm, and Cinders should continue and be levied in the same Manner in which the same were then leviable until the Fifth Day of *July* One thousand eight hundred and seventy-two, subject to the following Qualification, that, notwithstanding anything contained in the said Acts, no Duties should be payable in respect of any Coal, Culm, or Cinders unless the same was contained in some Ship or Vessel arriving at her Moorings within some Part of the Port of *London* to the Westward of *Gravesend*, within the Limits of the Metropolitan Police District as defined by Act of Parliament, or be brought by Railway or by Inland Navigation or by some other Mode of Conveyance within the said Limits of the Metropolitan Police District, including the Cities of *London* and *Westminster*; and it was further enacted, that the Duty of One Penny *per* Ton on Coals, Culm, and Cinders should, from and after the passing of the Act now in recital, and the said Duty of Four Shillings *per* Tun on Wines, and the Duty of Eightpence, Part of the said Duty of Twelvepence on Coals, Culm, and Cinders, should, from and after such Time as all Charges on the *London Bridge* Approaches Fund might be satisfied, be paid to an Account to be opened in the Name of the Lords Commissioners of Her Majesty's Treasury at the Bank of *England*, to be intituled "The *Thames* Embankment and Metropolis Improvement Fund," and such Fund should be applied to the Improvement of the Metropolis in such Manner as might thereafter be determined by Parliament; and it was further enacted, that the Monies from Time to Time paid to the Account created by the Act now in recital should, when received, be laid out and invested in the Purchase of Stock in some of the Public Stocks or Funds or upon Government or Real Securities at Interest in the Name of the said Commissioners, and that the said Commissioners should from Time to Time lay out or invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased in their

their Names on the Account aforesaid in like Manner for the Purpose of Accumulation in the meantime until the said Fund was appropriated by Parliament to the Execution of Improvements in the Metropolis; and it was further enacted, that all Monies, Stocks, Funds, and Securities standing to the Account of the Metropolis Improvement Fund Account created by the Act of the Session of the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and one, should, from and after the passing of the Act now in recital, and all Monies, Stocks, Funds, and Securities standing to the Account of the *London Bridge* Approaches Fund should, from and after such Time as all Charges on the said Funds might be satisfied, be carried to and form Part of the *Thames* Embankment and Metropolis Improvement Fund created by the Act now in recital, and the said *London Bridge* Approaches Fund should thereupon cease and determine: And whereas all Monies, Stocks, Funds, and Securities standing to the Account of the *London Bridge* Approaches Fund have, with the Consent of the Corporation of the City of *London*, been carried over to the said *Thames* Embankment and Metropolis Improvement Fund upon the Understanding that the Charges on the said *London Bridge* Approaches should be duly discharged out of the said *Thames* Embankment and Metropolis Improvement Fund: And whereas it is expedient to set apart for meeting the aforesaid Charges such Sum as the Commissioners of Her Majesty's Treasury may think sufficient: And whereas on the Twenty-third Day of *February* in the Year One thousand eight hundred and sixty-one Her Majesty issued a Commission, addressed to the Right Honourable the Lord Mayor of the City of *London*, Major General Sir *Joshua Jebb* K.C.B., *John Thwaites* Esquire, Chairman of the Metropolitan Board of Works, Captain *Douglas Galton* of the Royal Engineers, *Edward Burstall* Esquire, Commander in Her Majesty's Navy, *Henry Arthur Hunt* Esquire, Surveyor of Her Majesty's Works and Public Buildings, and *John Robinson M'Clean* Esquire (to which Commission *Henry Kingscote* was Secretary), to examine into Plans for embanking the River *Thames* within the Metropolis, so as to provide with the greatest Efficiency and Economy for the Relief of the most crowded Streets by the Establishment of a new and spacious Thoroughfare for the Improvement of the Navigation of the River, and which would afford an Opportunity of making the Low-level Sewer without disturbing the *Strand* or *Fleet Street*, and also to report upon the Cost and Means of carrying the same into execution: And whereas the Commissioners acting under the recited Commission, by their Report to Her Majesty dated the Twenty-second Day of *July* One thousand eight hundred and sixty-one (and which has been presented to both Houses of Parliament by Command of Her Majesty), have recommended that the several Improvements and Works herein-after specified should be executed and effected:

And

And whereas by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter One hundred and forty-seven, all the Estate, Right, Title, and Interest of the Corporation of *London* in the Bed and Soil and Shores of the River *Thames* from *Staines* to *Yantlete*, and all the Estate, Right, Title, and Interest to which Her Majesty was on the Twenty-third Day of *February* One thousand eight hundred and fifty-seven entitled in right of Her Crown of, in, and to the Bed and Soil and Shores of the said River, within the Flux and Reflux of the Tides, bounded Eastward as in the Act now in recital is mentioned, and of, in, and to all Encroachments, Embankments, and Inclosures therefrom or thereupon, except such Parts thereof as in the same Act are specified, were vested in the Conservators of the River *Thames*, a Corporation by the same Act constituted: And whereas by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and four, it was enacted, that the Metropolitan Board of Works should cause to be commenced, as soon as might be after the passing thereof, the necessary Sewers and Works for the Improvement of the Main Drainage of the Metropolis, and for preventing the Sewage of the Metropolis from passing into the River *Thames* within the Metropolis, and that for the Purposes of the Act now in recital the said Board might construct any Work through, along, over, or under the Bed and Soil and Banks and Shores of the River *Thames*, making Compensation as therein mentioned: And whereas it is expedient that the Metropolitan Board of Works should be empowered to form the Embankment and new Streets, and to execute, effect, and maintain the other Improvements and Works herein-after specified; and for the Purpose of providing a Fund to enable such Board to effect the Objects aforesaid it is expedient that the Commissioners of Her Majesty's Treasury should be authorized, out of or by Charge upon the *Thames* Embankment and Metropolis Improvement Fund aforesaid, to raise and provide such Sum or Sums as may from Time to Time be necessary for those Purposes; and that every such Sum, when so raised or provided, should be paid over to the said Board for the Purposes of this Act: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict. c. 18. (except ss. 34 and 92.) and 23 & 24 Vict. c. 106. incorporated

1. "The Lands Clauses Consolidation Act, 1845," (except the Sections Thirty-four and Ninety-two,) and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, so far as the Provisions of such Acts respectively are not expressly varied by or excepted from this Act, be incorporated with and form Part of this Act;

Act; and the Metropolitan Board of Works shall be taken to be the Persons in such first-mentioned Act intended by the Words "Promoters of the Undertaking." with this Act.

2. This Act may for all Purposes be cited as "The *Thames* Embankment Act, 1862." Short Title.

3. The following Words and Expressions in this Act have for the Purposes of this Act the following Meanings, unless excluded by the Subject or Context; (to wit,) Interpretation of Terms.

"The Board" means the Metropolitan Board of Works constituted by and acting under the Statute, Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, for the better Local Management of the Metropolis:

"The Treasury" means the Commissioners of Her Majesty's Treasury:

"The Admiralty" means the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral:

"The Conservators" means the Conservators of the River *Thames*:

"The herein-before recited Act" means "The *London* Coal and Wine Duties Continuance Act, 1861:"

"The *Thames* Embankment and Metropolis Improvement Fund" shall mean and include the Stocks, Funds, and Securities from Time to Time constituting the Fund so intituled in the herein-before recited Act, and thereby so made applicable to Improvements in the Metropolis as aforesaid, and the Duties, Income, and Monies in and by the same Act made applicable to the Formation of such Fund:

The Word "Justice" shall, in relation to any Lands or to the Purchase or taking by the Board of any Lands situated within the City of *London* or the Liberties thereof, mean the Lord Mayor or any Alderman or the Recorder of the City of *London*, and shall, in relation to any Lands or to the Purchase or taking by the Board of any Lands situated not within the City of *London* or the Liberties thereof, but within the County of *Middlesex*, mean a Justice of the Peace acting in or for the County of *Middlesex*:

The Word "Sheriff" in "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, with respect to this Act, so far as the same affects the Works and Improvements authorized by this Act which shall be within the City and Liberty of *Westminster*, mean the High Bailiff of *Westminster* in all Cases where the High Bailiff discharges the Duties and Offices usually discharged by the Sheriff:

The Word "Street" shall include any Square, Street, Highway, Road, Lane, Footway, Thoroughfare, or public Place, Court, Alley, or Passage, whether a Thoroughfare or not, and a Part of any such Square, Street, Highway, Road, Lane, Footway, Thoroughfare, or public Place, Court, Alley, or Passage.

Same Meaning to Words in incorporated Act as in this Act.

4. The several Words and Expressions to which by the said "Lands Clauses Consolidation Act, 1845," Meanings are assigned, have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided always, that for the Purposes of this Act the Expression "the Superior Courts" therein includes all Courts of competent Jurisdiction, and the Word "Lands" therein also includes Easements, Interests, Rights, and Privileges in, over, or affecting Lands.

Plans deposited at the Offices of the Clerks of the Peace to remain there and be open to Inspection.

5. Whereas Plans and Sections of the Works and Improvements by this Act authorized describing the proposed Situation of the same and the Lines and Levels thereof and the Lands intended to be taken for the Purposes thereof respectively, and also Books of Reference to the said Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands which may be required for the Purposes of this Act, have been deposited at the Offices of the Clerk of the Peace for the City of *London*, the Clerk of the Peace for the County of *Middlesex*, and the Clerk of the Peace for the City and Liberty of *Westminster* respectively: Such Plans and Sections and Books of Reference shall remain in the said Offices, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Power to make Works according to deposited Plans.

6. Subject to the Provisions and for the Purposes of this Act, it shall be lawful for the Board to make the Improvements and Works by this Act authorized in the Situations and Lines and according to the Levels, and within the Limits of Deviation (qualified as herein-after mentioned), and upon the Lands delineated on the said Plans and Sections and described or mentioned in the said Books of Reference, and otherwise to carry this Act into operation: Provided always, that nothing herein contained shall authorize or empower the Construction of any Part of that Portion of the Embankment or Viaduct delineated on the said Plans which lies between *Blackfriars Bridge* and that Point of the Embankment or Viaduct where it turns off towards *Chatham Place*.

Board to appoint Committee to

7. It shall be lawful for the Board from Time to Time to appoint a Committee to manage and transact all or any of the Matters or Purposes

Purposes which the Board are hereby empowered to do, execute, or perform, which Committee shall have so much or so many of the Powers, Authorities, and Discretions by this Act given to and reposed in the Board as the Board shall think fit or proper to delegate to such Committee. carry the Act into execution.

8. The Improvements and Works by this Act authorized comprise the following; (to wit,) Works authorized.

1. The making and maintaining an Embankment and Viaduct on the Left Bank of the River *Thames*, with all necessary and convenient Walls, Piers, Arches, Culverts, Drains, Quays, Wharves, Barge Beds, Basins, Landing Places, Stairs, Waterways, Approaches, and other Conveniences and Works, such Embankment to commence at the Northern Side of the *Middlesex* End of *Westminster Bridge*, and to terminate at or near the Eastern Boundary of the *Inner Temple*, and such Viaduct to commence at the Eastern Boundary of the *Inner Temple* and to terminate near to the Western Side of the Northern End of *Blackfriars Bridge;* the said Embankment and Viaduct respectively to be constructed in whole or in the greater Part upon the Bed or Foreshore of the River *Thames*, and the Site of which Embankment and Viaduct will be within the Parishes, Liberties, Extra-parochial and other Places following, or some of them; (that is to say,) *Saint Margaret Westminster*, *Saint Martin in the Fields*, *Saint Clement Dane*, *Saint Mary le Strand*, *Saint John the Baptist*, and the *Savoy* or Precinct of the *Savoy*, all in the County of *Middlesex*, and the *Middle Temple* and the *Inner Temple*, the Precinct of *Whitefriars*, *Saint Bridget* otherwise *Saint Bride*, the Precinct of *Bridewell*, and the Parish or Precinct of *Saint Ann Blackfriars*, all in the City of *London* or County of *Middlesex:*
2. The making upon the said Embankment and Viaduct a public Roadway One hundred Feet wide up to the Eastern Boundary of the *Inner Temple*, and not less than Seventy Feet wide thence to *Chatham Place*, with all necessary Approaches to the said Roadway:
3. The making of an Approach Road of an uniform Width of not less than Forty Feet, and on a Gradient not steeper in any Part thereof than One in Thirty, leading from and out of such Embankment Roadway, and communicating by means of Approaches with each of the Streets following; namely, *Surrey Street*, *Norfolk Street*, and *Arundel Street;* and which last-mentioned Approach Road and Approaches will be in the Parish of *Saint Clement Dane* in the City of *Westminster*, each of which Approaches shall be formed on a Gradient not steeper

steeper in any Part thereof than One in Thirty, and of a Width not less than the Width of the Street with which the same shall so communicate as aforesaid:

4. The making a new Street which shall commence from and out of the said Embankment and Roadway at or near the East Side of the *Middlesex* End of *Hungerford Bridge* in the Parish of *Saint Martin in the Fields*, and shall pass on, over, and through divers Streets, Wharves, Lands, and Places in the Parishes of *Saint Martin in the Fields*, *Saint Clement Dane*, and the Precinct of the *Savoy*, and shall terminate in *Wellington Street*, *Waterloo Bridge*, in the Precinct of the *Savoy*, opposite to the Northern Wing of the Western Front of *Somerset House*, with all necessary Approaches to such new Street; and also several short Streets or Communications, each to commence from and out of such last-mentioned new Street, and respectively to communicate with and terminate in *Villiers Street* and *Buckingham Street* in the Parish of *Saint Martin in the Fields*, and *Cecil Street* in the Parishes of *Saint Martin in the Fields* and *Saint Clement Dane*, or One of them:

5. The making a new Street which shall commence by a Junction with the intended new Street fourthly herein described at or near to *George Street* in the *Adelphi*, and shall terminate in and by a Junction with *Whitehall Place* at the East End thereof, all in the Parish of *Saint Martin in the Fields:*

6. The making a new Street which shall commence from and out of the said Embankment and Roadway at or near a Place called *Whitehall Stairs*, and shall pass thence through *Whitehall Yard*, and shall terminate in the Street known as *Whitehall*, opposite to the *Horse Guards*, all in the Parishes of *Saint Margaret Westminster* and *Saint Martin in the Fields:*

7. The reclaiming and inclosing all or so much of the Bed or Foreshore of the River *Thames* as shall lie between the present Left Bank of such River and the said intended Embankment.

Certain Land not to be taken without Consent.

9. Nothing herein contained shall authorize the Board to enter upon, take, or use the Lands numbered on the deposited Plans 45, 45[a], 45[b], and 45[c], or any Part thereof respectively, in the Parish of *St. Margaret's Westminster*, without the Consent of the Owners, Lessees, and Occupiers for the Time being of the same respectively.

Provision for further Works.

10. The Provisions of this Act, and the Powers and Appropriation herein contained with reference to the *Thames* Embankment and Metropolis Improvement Fund, shall apply to all such further Works for extending the Embankment of the *Thames* and relieving the Thoroughfares

Thoroughfares of the Metropolis in connexion with the present and any future Embankment as may hereafter be authorized by Parliament, as if such Works were specifically authorized by the present Act.

Power to set out Footways, &c.

11. Save as herein otherwise expressly provided, it shall be lawful for the Board to cause such Part of the said Roadway and of the said Ground so to be inclosed as aforesaid, and of the said Streets respectively, to be laid out for Carriageways, and such Part thereof for Foot Passengers, as they shall think proper.

Power to deviate.

12. In carrying the said Works and Improvements into execution it shall be lawful for the Board, save as herein otherwise expressly provided, to deviate to any Extent not exceeding Five Feet from the Levels defined in the said Sections, and the Board shall not deviate beyond the Limits of Deviation delineated in the said Plans without Consent of the Person through whose Lands such Deviation shall be made, nor carry the Line of the Embankment Wall, as shown on the said Plans, further into the Stream of the said River than Three Feet, without the Consent of the Conservators, signified in Writing under the Hand of their Secretary.

Powers for compulsory Purchases limited.

13. The Powers of the Board for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Power to inclose and fill up Bed and Shore of River, to remove Stairs, &c.

14. In and for the Purpose of effecting the Embankment, Viaduct, or other Works, and the reclaiming of Land hereby respectively authorized, it shall be lawful for the Board to inclose and fill up the Bed and Shore of the River *Thames* as shown in the said deposited Plans, and also such further Parts thereof as shall be required by the Board for constructing any Barge Beds, Recesses, Stairs, Piers, Landing Places, Hards, or other Works in pursuance of the Powers in that Behalf herein contained; and also to remove, destroy, alter, divert, stop up, or inclose such Streets, Streams, Drains, Sewers, Watercourses, void Ground, Wharves, Jetties, Quays, Barge Beds, Stairs, Piers, Landing Places, Hards, Mooring Posts or Rings, Posts, Piles, and other Materials and Things, or such Part or Parts thereof respectively as shall in the Judgment of the Board be necessary to be removed, destroyed, altered, diverted, stopped up, or inclosed for the Purposes of this Act, making Compensation to all Persons having any Interest in any Wharves, Jetties, or other Property taken for or injuriously affected by such Works or other the Exercise of the Powers of this Act.

15. Save

Power to purchase Lands and extinguish Rights and Claims to Shore, &c.

15. Save as herein otherwise expressly provided, it shall be lawful for the Board to purchase any Lands, and to purchase and extinguish or procure the Extinguishment of any Rights, Interests, Easements, or Privileges which any Person may have, possess, or claim in, to, over, or in respect of the Bank or Shore or Bed of the River *Thames* lying within the Limits of Deviation defined on the said deposited Plans.

Soil may be raised from the River to form the Embankment by the Conservators.

16. For the Purpose of effecting or forming the said Embankment or any other the Works by this Act authorized, it shall be lawful for the Conservators, and they are hereby required, when and as often as and within a reasonable Time after they shall have been required by the Board so to do, to dig, raise, and take up from the Bed of the said River, in any Places they may think fit, whether above or below *London Bridge*, Gravel, Sand, Soil, or other Materials, and to lay and deposit the Gravel, Sand, and Soil and other Materials so raised in such Places as the Board shall from Time to Time designate and point out by Notice in Writing to be addressed to the Conservators, they the Board paying to the Conservators (and which the Board are hereby authorized to do) such Sums of Money as the Conservators shall have actually incurred and expended in and about such digging, raising, and taking up, and such laying and depositing as aforesaid: Provided always, that in case the Conservators shall refuse or neglect within Ten Days after they shall have been required by the Board so to do to proceed to dig, raise, and take up from the Bed of the said River such Gravel, Sand, Soil, or other Materials for the Purposes aforesaid, it shall be lawful for the Board to do the several Acts hereby required to be done by the Conservators for the Purposes aforesaid without being in anywise required to obtain the Consent of the Conservators: Provided always, that the dredging be done at such Places within the Limits of the Metropolis, as defined by the Metropolis Local Management Act, and to such Depths as the Conservators shall within Ten Days after Requisition define, and in default of such Definition then at any Places and at such Depths as the Board may think fit, and that all Gravel, Sand, Soil, or other Materials which shall be raised as aforesaid shall be wholly removed and taken away from the said River without screening or returning any Part thereof into the said River after the same shall have been so raised; provided also, and the Conservators are hereby required, at the Expense of the Board as aforesaid, to level all Holes and Pits that shall be dug or caused by any such Excavation or digging as aforesaid, and in all Places where they shall deepen the Bed of the said River to deepen the same uniformly: Provided always, that, notwithstanding anything contained in the Sixth and Seventh *Victoria*, Chapter Fifty-seven, the Conservators shall be entitled

entitled to be paid as aforesaid for the Cost of Materials so raised as well below as above *London Bridge.*

17. It shall be lawful for the Board to take on Lease or to agree for the Use and Occupation of proper Places on any Part of the North Bank of the said River between *Westminster Bridge* and *Blackfriars Bridge*, or within Five hundred Yards of the Site of the said intended Embankment, for the Purpose of depositing and working Stone, Iron, Timber, and other Materials for constructing and completing the said Embankment and Roadway.

Board empowered to take Places for depositing Materials.

18. No Works, other than those necessary for the Completion of the Works expressly authorized by this Act, upon the Bed or Shore of the River *Thames* below High-water Mark which may interfere with the Navigation of that River shall at any Time be commenced or executed under the Provisions of this Act without the same having been previously approved of by the Admiralty, such Approval to be from Time to Time specified in Writing under the Hand of the Secretary to the Admiralty.

Works, &c. to be approved of by the Admiralty.

19. The Stairs, Hards, Quays, Wharves, Barge Beds, Recesses, Approaches, Piers, Landing Places, and temporary Works by this Act authorized shall be made according to Plans and Elevations to be first approved by and deposited at the Office of the Conservators.

Certain Works to be first approved by the Conservators.

20. During the Construction of the said Embankment and the Works connected therewith the Board shall cause to be hung out or exhibited every Night from Sunset to Sunrise good and sufficient Lights, to be kept burning by and at the Expense of the Board, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Board in such Manner, and be of such Description and Number, and be so used and placed, as the Conservators shall by Writing under the Hand of their Secretary approve of.

Lights to be exhibited at Night during Construction of Embankment.

21. Whenever the Board shall shut up, remove, or take away, or in any Manner obstruct the free Use and Enjoyment of any existing Piers, Public Stairs, or Landing Place now marked by the Watermen's Company, they shall cause some Pier, Public Stairs, or Landing Place to be erected or provided, to the Satisfaction of the Conservators, in the Stead of the Pier, Stairs, or Landing Place so shut up, removed, or taken away, or the free Use and Enjoyment of which may be obstructed; and every such substituted Pier shall, so soon as the same shall be completed, be and hereby is vested in the

Piers and Stairs to be provided in lieu of those taken away.

the Conservators, and subject in their Hands to all the Powers and Provisions applicable thereto of "The *Thames* Conservancy Act, 1857."

Embankment to be kept in repair.

22. From and after the Completion of the Embankment and Viaduct by this Act authorized the Board shall, out of the Rates raised for defraying the Expenses of the Board under the Act Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, keep and maintain the same respectively and every Part thereof in proper Repair; and if the Embankment or Viaduct or any Portion thereof or any of the Works connected therewith be out of repair or insecure, so as to be dangerous to any Person passing along the River *Thames*, or to any Vessel either moored alongside of or passing by the same respectively, or be in any Manner injurious or likely to be injurious to the River *Thames* or to the free Navigation thereof, the Conservators may, by Notice in Writing to the Board, require them to repair the Embankment or Viaduct, or the Portion thereof or the Works connected therewith so out of repair or insecure as aforesaid, to the reasonable Satisfaction in all respects of the Surveyor from Time to Time of the Conservators, within a Time to be limited in such Notice; and in case the Board refuse or fail to repair the Embankment or Viaduct, or such Portion thereof, to the reasonable Satisfaction in all Respects of such Surveyor, within the Time to be limited as aforesaid, then and in every such Case the Conservators may repair the same respectively, and may recover the Expenses incurred thereby from the Board; provided that all the Parts of the Metropolis shall be deemed to be equally benefited by all Sums expended by the Board for such Maintenance and Repair as aforesaid.

Mode of ascertaining Value of Property to be taken under Act.

23. If the Owner, Lessee, or Occupier of any Lands authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the Board or any Person authorized by them shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess and every Arbitrator shall ascertain the Value of the whole Premises, according to the Condition in which they were at the Time the Notice requiring to take the same was served, and also the Value of that Part of the Premises which will remain after the Board or the Persons authorized by them have taken away so much as they shall think necessary for the Purposes of this Act; and the Jury or Arbitrator having made these Two Valuations, the Difference

Difference between them shall be the Price to be paid by the Board for that Part for which they shall have Occasion.

Premises may be taken notwithstanding Errors in Book of Reference.

24. It shall be lawful for the Board to purchase, take, and use for the Purposes of this Act any of the Lands described in the said Plans deposited at the Office of the Clerk of the Peace for the City of *London*, and of the Clerk of the Peace for the County of *Middlesex*, and of the Clerk of the Peace for the City and Liberty of *Westminster*, as intended to be taken for the Purposes of this Act, although the same Lands, or the Names of the Owners or Occupiers thereof may happen to be erroneously stated in or omitted from the said Book of Reference, in case it shall appear to any Two Aldermen of the City of *London*, or, as the Case may require, to any Two Justices acting in or for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information: Provided always, that previously to submitting the Case to Two Aldermen or to Two Justices as aforesaid, Ten clear Days Notice shall be given to the Owners whose Lands shall be affected by such erroneous Statement or Omission in the said Book of Reference; provided also, that nothing in this Act contained shall authorize the Board to purchase, take, or use any Parish Church without the Consent of the Bishop of the Diocese.

Ground laid into the Streets, &c. to be used by the Public.

25. When the said Roadway and new Streets, and the Approaches to the same respectively, shall be made and paved in pursuance of this Act, all the Ground and Lands which shall be laid open into the said Roadway, or any of such new Streets, or the Approaches of the same respectively, shall form Part of such Roadway or new Street, as the Case may be, and shall, except as hereby otherwise expressly provided, be used by the Public accordingly; and the same Roadway, new Streets, and Approaches, and the sole Power, Authority, and Duty of paving, repairing, cleansing, lighting, and watching thereof respectively, and of rating the Lands and Hereditaments situate and being within the same, shall be under the Care, Management, Control, and Jurisdiction of the same Vestries, Board, District Boards, Commissioners, or Persons as the other Streets in the Wards, Districts, Parishes, or Places in which the same respectively shall be situate.

Reclaimed Land to be dedicated to the Use of the Public.

26. All the Land to be reclaimed from the River *Thames* on the South of the Streets fourthly and fifthly herein-before described, and not required for Streets or Roads, nor otherwise specifically appropriated by the Provisions of this Act, and lying between an imaginary Line drawn from the Eastern Boundary of the Houses on the East Side of *Cecil Street* to the Embankment Roadway on the East and the

the Crown Lands on the West, and the Embankment Roadway on the South, together with the Lands to be reclaimed between the Southern Side of the Approach Road, shown on the Plan marked C. herein-after referred to, leading towards *Norfolk Street*, *Surrey Street*, and *Arundel Street*, shall for ever hereafter be vested in and maintained by the Board for the Use of the Public as Places of Recreation or Ornamental Ground, and the Expenses incident to such Maintenance shall be deemed to be Expenses of the Board in the Execution of the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and all the Parts of the Metropolis shall be deemed to be equally benefited by all Sums so expended by the Board.

Power to appropriate Land or Easements in respect of Loss of River Frontage.

27. Subject to the Provisions herein contained, it shall be lawful for the Board, by Agreement, to appropriate by way of Grant or Demise, either in perpetuity or for any Term of Years or other Period, and for or subject to a nominal or any other Consideration or Rent, any reclaimed Land, or any absolute or partial or qualified Licence or Right of User or Enjoyment, Right of Way, Right of Frontage, or other Right or Easement of, out of, over, upon, in connexion with, or in relation to any reclaimed Land, or any Wharf, Basin, Barge Bed, Recess, Slip, Hard, Stairs, Waterway, and Landing Place to be constructed or provided by the Board under the Powers of this Act, and the Approaches, Conveniences, and Works connected therewith, to any Owner of Lands now situated on the present Left Bank and River Frontage of the River *Thames*, in front whereof the said intended Embankment and Roadway shall pass as aforesaid, in consideration of, and in lieu in whole or in part of the Compensation which such Owner or Person may be entitled to claim for the Damage, if any, to be sustained by him by Loss of River Frontage or otherwise by reason of such Embankment and Roadway, or other the Exercise of any of the Powers of this Act.

No House to be erected in front of the Gardens of the Inner and Middle Temple.

28. No House or Building shall be erected upon any Part of the Lands to be acquired or reclaimed as aforesaid situated between the River *Thames* and the Gardens of the Societies of the *Inner* and *Middle Temple* respectively, other than any such Porters or Gardeners Lodges, Alcoves, or other Buildings of a like Nature, of only One Floor each, as are from Time to Time, whether before or after the passing of this Act, approved by the First Commissioner of Her Majesty's Works and Public Buildings, by Writing under his Hand.

As to the Roadway, &c.

29. Notwithstanding anything in this Act contained, the public Roadway herein-before mentioned shall, so far as the same passes Southward

Southward of the Gardens of the Societies of the *Inner* and *Middle Temples* respectively, be constructed on an Embankment, and all the Land reclaimed and enclosed from the River *Thames* lying in front of the present Southern Boundary of the *Inner* and the *Middle Temples*, except so much as is occupied by the Embankment and Road thereon, shall for ever hereafter be the exclusive Property, as to such Land Southward of the *Inner Temple*, of and be vested in the Trustees for the Society of the *Inner Temple*, and as to the Lands Southward of the *Middle Temple*, of and be vested in the Trustees for the Society of the *Middle Temple*, for an Estate in Fee Simple absolute in possession, to and upon the like Uses and Trusts as the Uses and Trusts to and upon which the Lands adjoining thereto of the Societies respectively are from Time to Time held; and such Lands, but not the Embankment or Road thereon, shall for all Parochial Purposes be within and Part of the Places called the *Inner Temple* and the *Middle Temple* respectively; and in order that so far as can be the Two Societies respectively and their respective Property and Rights shall be protected against being prejudicially affected by the Execution of this Act, the Board from Time to Time may and shall take all such Precautions, and make, execute, and do all such Matters and Things, in, upon, in connexion with, and near to the *Temple* Land, and fulfil all such Stipulations, as are before the passing of this Act specified, under the Hand of the First Commissioner of Her Majesty's Works and Public Buildings; and the said Societies of the *Inner Temple* and *Middle Temple* shall not claim any Damage or Compensation in respect of the Execution of the Powers of this Act.

connected with the Inner and Middle Temples.

30. The Board may and shall make for the Two Societies a Landing Place, with proper and sufficient Works and Conveniences connected therewith, in substitution for their present Landing Place at the End of *Middle Temple Lane*, and the same shall be used by the *Inner Temple* and the *Middle Temple*, and shall be held, enjoyed, and regulated by the Two Societies as their private Landing Place accordingly.

Board to erect Landing Stairs for the Use of the Temples.

31. Except only as is by this Act expressly enacted, this Act or anything therein contained shall not take away, lessen, prejudice, alter, or affect any of the Estates, Rights, Interests, Jurisdictions, Franchises, Powers, Authorities, Immunities, or Privileges of the *Inner Temple* and the *Middle Temple*, or either of them.

Saving Rights of the Temples.

32. As regards all Lands which shall be purchased or otherwise acquired by the Board under the Provisions of this Act, and which shall not be wanted for the Purposes of the same (other than and except

Board may grant Building Leases of Ground not wanted for

Purposes of this Act.

except such Lands as are by virtue of this Act reserved and excepted from the Operation of this Power of leasing, or are otherwise dealt with), it shall be lawful for the Board, subject to the Provisions of this Act, when and as they shall think fit, by an Indenture or Indentures under their Common Seal, to demise and lease such Ground and Hereditaments, or such Part thereof as they shall think it expedient to let on Building Leases, either together or in Parcels, to any Person or Persons who shall erect and build or covenant and agree to erect and build thereon, or on any Part or Parts thereof, Houses, Erections, and Buildings of such Rate or Class or respective Rates or Classes of Buildings, upon such Plan and Elevation or respective Plans and Elevations, of such Height or respective Heights, and with such Stories, as the Board shall think proper, for such Number of Years and under such Conditions as they may think fit, and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named as the Board shall reasonably require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent (if any) thereby to be reserved, or on Nonperformance of the Covenants therein to be contained on the Part of the Tenant or Lessee to be observed and performed, and that the Lessee or Lessees named in every such Lease shall execute a Counterpart thereof, and on the Negotiation for any such Lease the Board may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases on such Terms and Conditions as they may think fit; and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved on such Leases, and may apportion the same and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they may think fit; and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises at apportioned Rents or under different Covenants, or otherwise in all respects as the Board shall think fit; and further, any Part of the said Lands may be appropriated for Squares, Gardens, or open Places, or for Basins, Docks, Barge Beds, or other Works or Conveniences as aforesaid, and any Part thereof may be let for Yards or Courts to be attached to any Houses, to be leased as the Board shall think fit.

Board may make Agreements for Leases and accept Surrenders of Leases, &c.

Power to Board to sell the Ground Rents and

33. As soon as conveniently may be, and either before or after the Houses, Erections, and Buildings to be erected and built as lastly herein-before is mentioned, or any of them, shall be finished and completed,

pleted, and either before or after such Leases as last aforesaid shall have been granted, the Board shall and they are hereby authorized and required to sell and dispose of the Ground Rents to be reserved by the Leases or Demises in pursuance or in consideration of which the same Houses or Buildings respectively shall have been erected and built, or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in Possession (subject to any such Lease or Demise or Agreement) of the Pieces or Parcels of Ground thereby demised or agreed to be demised, and such Houses and other Buildings thereon, either altogether or in Parcels, by Public Auction or Private Contract, for such Prices or Sums of Money as the Board shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built thereon, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the Board shall think fit; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the Board for the Benefit of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the Board may think fit; and the Board shall at the Costs and Charges of the Purchaser of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively to the Board, by any Writing under their Common Seal convey and assure the Piece or Parcel of Ground so purchased by such Purchaser, together with the Houses, Erections, and Buildings then erected and built or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser, his Heirs and Assigns, or as he or they shall in that Behalf direct, free from all Incumbrances (except the Building Lease or Building Leases, or Agreement or Agreements to be granted thereof by virtue of this Act); and all Conveyances and Leases which shall be made as aforesaid pursuant to the Authority hereby in the Board reposed shall be adjudged sufficient to vest such Estate in the Purchaser or Lessee as shall have been agreed for, or shall be expressed or intended to be conveyed and granted by any such Conveyance or Lease.

Reversions comprised in such Lease.

34. It shall be lawful for the Board to sell in manner and subject as aforesaid, and absolutely to grant and convey, any of the Lands which shall be purchased or otherwise acquired by the Board as aforesaid, and which shall not be wanted for the Purposes of this Act, and which they shall not think it expedient to let on Building Leases as aforesaid, (other than and always except such Lands as by virtue of this Act are reserved and excepted from the Operation of this Power of

Power to Board to sell any Ground which may not be wanted for the Purposes of this Act.

of Sale, or are otherwise dealt with), subject nevertheless to such Stipulations and Conditions as they may think fit, and thereupon the same shall be conveyed and assured by the Board as they shall think fit.

Superfluous Lands before Sale to be offered to Owners of Lands from which they were originally severed.

35. Before the Board dispose of any superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, and if any such Person be desirous of purchasing such Lands then within Six Weeks after such Offer of Sale he shall signify his Desire in that Behalf to the Board, or if he decline such Offer, or if for Six Weeks he neglect to signify his Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease, and a Declaration in Writing made before a Justice by some Person not interested in the Matter in Question stating that such Offer was made and was refused, or not accepted within Six Weeks from the Time of making the same, shall in all Courts be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled by Arbitration.

36. If any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Board do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, and the Costs of such Arbitration shall be in the Discretion of the Arbitrators.

Application of Monies arising from Sale of Lands or from Rents.

37. The Board shall apply all the Monies arising by any such Sale or Disposition respectively as aforesaid, after paying all Expenses incident to such Sales or Dispositions, and satisfying all lawful Demands to which the Lands, Rents, and Premises so respectively sold or disposed of shall be liable, and also apply all the Rents and Profits of the Lands and Premises to be acquired by the Board under the Provisions of this Act, for and towards the carrying the Purposes of this Act into execution.

Surplus to be applied in Reduction of Monies borrowed, and subject thereto to the Embankment Fund.

38. After the Expiration of Five Years from the Commencement of this Act, if it shall at any Time appear at any annual Audit of the Accounts of the Board that the Monies received by them from any Source within the previous Year by virtue of this Act, and which shall be applicable to the Purposes of this Act, shall have been more than sufficient to pay the Expenses of the Board incurred under the Authority of this Act within such Year, then such Surplus shall be applied in paying off any Monies which may have been borrowed by the Board under the Authority of this Act; and when all the Monies which may have been borrowed by the Board under the Authority of this Act, and which for the Time being may

may be owing, shall have been repaid with all Interest which may have accrued due in respect thereof, the ultimate Surplus in the Hands of the Board shall be paid over by them to the *Thames* Embankment and Metropolis Improvement Fund, and such surplus Monies, when so paid over, shall be subject to the Provisions of "The *London* Coal and Wines Duties Continuance Act, 1861," in relation to that Fund.

Provisions of 18 & 19 Vict. c. 120., 19 & 20 Vict. c. 112., 21 & 22 Vict. c. 104. incorporated.

39. The Provisions of the Acts relating to the Local Management of the Metropolis, namely, the Acts Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, Nineteen and Twenty *Victoria*, Chapter One hundred and twelve, Twenty-one and Twenty-two *Victoria*, Chapter One hundred and four, shall, so far as the same are not inconsistent with the Provisions of this Act, extend and apply to the Objects and Purposes of this Act; and the Board shall, for carrying out those Objects and Purposes, have and may exercise all such Powers, Privileges, and Authorities as are conferred upon them by such Acts; provided that the Board shall not apply any Monies which they are authorized to raise under the said Acts to the Construction or Completion of the Works specially authorized by this Act.

Costs of Arbitrations under this Act.

40. All the Costs of any Arbitration under this Act and incident thereto, to be settled, in case of Difference, by One of the Masters of the Court of Queen's Bench, shall be borne by the Board, unless the Arbitrators shall award the same or a less Sum than shall have been offered by the Board, in which Case each Party shall bear his own Costs incident to the Arbitration; and the Costs of the Arbitrators shall be borne by the Parties in equal Proportions.

Use of Locomotives prohibited in the Streets.

41. It shall not be lawful for any Person to use a Locomotive Engine propelled by Steam along the Streets or Roadways constructed under the Provisions of this Act.

Power of Board to borrow on Mortgage, &c.

42. For the Purposes of this Act, the Board may, with the Consent of the Treasury, from Time to Time borrow by way of Mortgage or Bond on the Security of the Lands and Funds acquired under and appropriated to the Purposes of this Act, and at such Rate of Interest and upon such Terms as to the Time of Repayment and otherwise as the Treasury may approve, any Sums of Money the Board may require for the Purposes of this Act, not exceeding in the whole One million Pounds.

Securities transferable by Deed duly stamped.

43. All the Bonds and Securities upon the Funds so appropriated as aforesaid, and issued under the Authority of this Act, shall be transferable

transferable by Deed or Instrument in Writing duly stamped, and the Right to sue in respect of the Principal or Interest Monies secured by any such Bonds or Securities shall be vested in the Holders thereof for the Time being, without any Preference by reason of some of such Bonds or Securities being prior in Date to others.

Power to raise Money for the Repayment of Principal Money.

44. The Board may at any Time, with such Consent as aforesaid, raise by the Issue of new Mortgages, Bonds, or other Securities as aforesaid any Money that may be required to pay any Principal Money for the Time being due on any Mortgages, Bonds, or other Securities issued in pursuance of this Act.

Appropriation of Thames Embankment and Metropolis Improvement Fund.

45. The said *Thames* Embankment and Metropolis Improvement Fund shall be appropriated as follows; that is to say,

(1.) There shall be set apart thereout, and carried to such separate Account at the Bank of *England* as the Treasury may direct, such Sum as the Treasury may think necessary for paying off the Charges created as aforesaid on the said *London Bridge* Approaches Fund, and for Payment of all Costs, Charges, and Expenses of and incidental to the obtaining this Act, and of the Costs, Charges, and Expenses incurred by the Board in relation thereto, and the Treasury shall apply the same to such Purposes accordingly:

(2.) So much of the said *Thames* Embankment and Metropolis Improvement Fund as remains at the Time of the passing of this Act, after deducting the Sum so set apart as aforesaid, shall be paid over to the Board at such Times and in such Manner as the Treasury may direct, to be applied by the Board for the Purposes of this Act:

(3.) All Monies becoming Part of the said last-mentioned Fund after the passing of this Act shall be paid by the Treasury to the Board, in such Proportions as the Board may from Time to Time, by Writing under their Seal, require, and shall be applied by them, firstly, in paying the Interest for the Time being due on the Securities authorized to be issued under this Act; secondly, in paying the Principal Monies from Time to Time becoming due on such Securities; thirdly, in paying the Expenses incurred in respect of the several Works by this Act authorized, or in carrying this Act into execution; and lastly, in the Improvement of the Metropolis, in such Manner as may hereafter be determined by Parliament.

Monies received by the Board to be paid into the

46. All Sums of Money, Bills, and Drafts which shall be received by the Board under the Provisions of this Act shall from Time to Time within Two Days after the same shall have been received, or within

within Two Days after any Bill shall have been accepted, completed, and perfected, if the same shall not be accepted, completed, and perfected at the Time it shall be received, be paid by the Board into the Hands of the Governor and Company of the Bank of *England*, for which the Receipt of the Cashier or One of the Cashiers of the Bank of *England* shall be a sufficient Discharge, and all such Monies, Bills, and Drafts so to be paid as aforesaid shall from Time to Time be placed to the Account of "The Board" so to be opened as aforesaid, and shall be applied and disposed of by the Board for and towards the carrying of the several Purposes of this Act into execution.

Bank of England to their Account.

47. The Board shall cause a separate Account to be kept of the Money borrowed by the Board under this Act, and of all other Monies received and expended by them under this Act; and the Auditor appointed by the Secretary of State, under the Provisions of the Act of the Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, shall, upon his Audit of the Accounts of the Board in every Year, cause a separate Account and Statement to be prepared of the Receipt and Expenditure of the Board under this Act, and the same shall be sent by the Board to One of Her Majesty's Principal Secretaries of State, and shall be laid by him before Parliament at the same Time and Manner as is provided in Section Two hundred and one of the said Act.

Annual Accounts to be audited, and laid before Parliament.

48. In case any Damage or Mischief shall be done to the said Embankment or Roadway, or to any such Quays, Piers, Stairs, Hards, Slips, or Landing Places as aforesaid, or any of the Works, Matters, or Things to be constructed or provided under the Provisions of this Act, or any Part thereof respectively, by any Ship, Lighter, Barge, Boat, Float, Raft, or Vessel, through the wilful Negligence of any Person having the Command of any such Ship, Lighter, Barge, Boat, Float, Raft, or Vessel, or any of the Mariners or Persons employed therein, then and in every such Case the Owner of such Ship, Lighter, Barge, Boat, Float, Raft, or Vessel is hereby made answerable to the Board for the Amount or Value of any such Damage or Mischief, and the same, provided it shall not exceed the Sum of Twenty Pounds, if not forthwith paid and satisfied, may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are by virtue of the Metropolis Local Management Act, Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, directed to be recovered.

Owners of Vessels liable for Damage done to the Embankment, &c.

49. In case the Owner of any such Ship, Lighter, Barge, Boat, Float, Raft, or Vessel shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done

Masters compelled to pay Penalties for Neglect of

Servants, may recover the same from Servants.

done or committed by his Servants or Mariners, or any of them, such Servants, and each and every of them, shall be liable to pay such Penalty or Damages (with the Costs thereof) to such Owner; and in case of Nonpayment, upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him by such Servants or Mariners, or any of them, although demanded (such Oath to be made before any One or more Justice or Justices of the Peace for the County or Place where such Penalty or Satisfaction shall have been recovered), the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the same Manner as any Penalty is by virtue of the Metropolis Local Management Act, Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, directed to be recovered.

Application of Penalties not appropriated.

50. When any Fine or Penalty shall be recovered under the Authority of this Act, the Application whereof is not otherwise provided for, the same shall be paid to the Board, and be applied by them for the Purposes of this Act.

Plaintiff not to recover without Notice, or after Tender of Amends.

51. No Plaintiff shall recover in any Action to be commenced against any Person for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or left at his last or usual Place of Abode Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover if Tender of good and sufficient Amends shall have been made to him or his Attorney by or on behalf of the Defendant before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought and before the Trial thereof, with Costs of Suit, to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit; whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

52. Provided always, That no Action or Suit shall be brought or prosecuted against any Person or Body for anything done in pursuance of this Act after Three Months next after the Fact committed,

or

or in case there shall be a Continuation of Damages, then after Three Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant in any such Action or Suit shall and may at his Election plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant.

Land of the Duke of Northumberland, except that required for the Formation of certain Streets, not to be taken without Consent.

53. Except with the previous Consent in Writing of the Most Noble *Algernon* Duke of *Northumberland*, his Heirs, Sequels in Estate, or Assigns, the Board shall not take any more Land belonging to the said Duke, under the Provisions of this Act, than is requisite for the Formation of the following Streets, not exceeding Sixty Feet in Width; that is to say, a Street in continuation of *Whitehall Place* and a Street in continuation of *Northumberland Street*, such Streets to be made respectively in the Direction shown on the Plan A. herein-after referred to, or within the Limits of Deviation shown on such Plan; and, except with the previous Consent in Writing of the said Duke, his Heirs, Sequels in Estate, or Assigns, and of the said Board, no Building shall be erected upon the Lands taken from the said Duke, his Heirs, Sequels in Estate, or Assigns, for such Streets, or upon the Lands coloured Green upon the Plan marked (A.) signed in Duplicate by the Right Honourable *William Cowper*, One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons, except any Buildings for making necessary Fences on the Sides of such Streets, or for accommodating the Public with Fountains or covered Resting Places, or for Public Monuments, such Buildings or Monuments not exceeding Nineteen Feet in Height above Trinity High-water Mark.

As to Appropriation of certain Land Southward of the Craven Estate.

54. The Board shall appropriate and set apart so much of the Land to be acquired by them under the Powers of this Act lying Southward of the *Craven* Estate, belonging to *William George Craven* Esquire, as shall be necessary for the Formation of a public Street of not less than Sixty Feet in Width, in continuation of *Craven Street*, up to and to communicate with the new Street fourthly herein described, and such Land shall not be used for any other Purpose.

55. The

As to Street between Whitehall Place and Wellington Street.

55. The Street shown upon the said deposited Plans between *Whitehall Place* and *Wellington Street* shall pass on the South Side of the North Abutment of the *Charing Cross* Railway Company's Bridge now constructing across the River *Thames*, and under the Northernmost Opening of such Bridge.

Certain Land of Charing Cross Railway Company not to be taken without Consent.

56. The Board shall not, without the Consent in Writing of the *Charing Cross* Railway Company under their Common Seal, enter upon or take any of the Lands or Property of that Company coloured Red upon the Plan marked B. signed in duplicate by the Right Honourable *William Cowper*, One Part whereof shall be deposited in the Private Bill Office of the House of Commons, and in constructing the said Street and Embankment and the Works connected therewith shall not in any Manner injure the said Railway or Works, but shall submit the Plans of the Works passing under and affecting the said Railway to *John Hawkshaw* or other the Engineer of the said *Charing Cross* Railway Company, and construct the same to his reasonable Satisfaction.

As to Repair of Charing Cross Railway and Works.

57. Notwithstanding anything in this Act contained, it shall be lawful for the said Company, after Notice to the Board, and subject to their reasonable Regulations, at all Times hereafter to enter upon and use, for the Purposes of repairing, amending, or restoring their Railway and Works, and their Steamboat Pier and Landing Place at *Hungerford*, and the Works connected therewith, so much of the said Street or Embankment as adjoins to or passes under the said Railway and Works.

As to Construction of Landing Places.

58. No Public Landing Place, Pier Stairs, or Quay for landing Passengers (other than such as shall be substituted for the present *Adelphi* Pier at the Site now occupied by that Pier) shall be constructed under the Powers of this Act on the South Side of the said Embankment within One hundred and fifty Yards on either Side of the Steamboat Pier belonging to the *Charing Cross* Railway Company at *Hungerford*.

Saving Rights of Charing Cross Railway Company.

59. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or derogate from any of the Estates, Rights, Interests, Liberties, or Privileges of the *Charing Cross* Railway Company.

Provision as to the Land belonging to the Duke of Norfolk.

60. Opposite the *Strand* Estate of the Duke of *Norfolk*, the North Side of the Approach Road, and the Approaches therefrom to *Surrey Street*, *Norfolk Street*, and *Arundel Street* respectively, shall be

be constructed on the Line and in the Position shown on the Plan marked C, signed by the Right Honourable *William Cowper*.

The Board shall not exercise any Powers of compulsory Purchase in respect of any Estate, Right, or Interest of the Duke of *Norfolk* in the *Strand* Estate, except so far as may be necessary for the Construction of the said Approach Road and Approaches.

No Buildings shall be placed on the reclaimed Land between *Somerset House* and the *Middle Temple* Southward of the said Approach Road on the said Plan, except the Walls or Arches of the Embankment or of any Roads or Approaches to be made on the said Land, and except any Public Stairs or Landing Places, Fountains and covered Resting Places for Public Use or Public Monuments.

All the Land between the present Southern Boundary of the *Strand* Estate and the North Boundary of the said Approach Road, and the Freehold and Inheritance thereof, shall, upon Payment or Allowance to the Board of the Value thereof, vest in the Duke of *Norfolk* by force of this Act, and be held by him as Part and Parcel of the *Strand* Estate.

The Duke of *Norfolk* shall have Power to build up to the Line of the Footways on the North Side of such Approach Road, and on both Sides of the Approaches to *Surrey Street*, *Norfolk Street*, and *Arundel Street* respectively, and have free Access to the said Approach Road and Approaches.

The Compensation to be paid to the Duke of *Norfolk* by the Board for the Value of or Injury to his Property, and the Sum to be paid by the Duke of *Norfolk* to the Board for the Value of the Land so hereby vested in him, shall, in case of Dispute, be settled in the Manner prescribed by this Act.

Throughout this Act the Expression the Duke of *Norfolk* means *Henry* now Duke of *Norfolk*, and every future Owner in possession of "the *Arundel* Estates," and every Guardian or Guardians of the said *Henry* Duke of *Norfolk* and every such future Owner during his Minority; and the Expression "the *Arundel* Estates" means the Estates for the Time being settled or conveyed to the Uses of an Act of Parliament passed in the Third Year of the Reign of King *Charles* the First (whereby certain Estates were settled upon the Heirs Male of *Thomas* Earl of *Arundel and Surrey*), and in the Possession of the Duke of *Norfolk* for the Time being; and the Expression "the *Strand* Estate" means such Parts of the *Arundel* Estates as are situate in the Parish of *Saint Clement Dane* in the County of *Middlesex*.

Provision as to the Adelphi Estate.

61. The Board shall not take by Compulsion under the Powers of this Act any other Part of the *Adelphi* Estate in the Parish of *Saint Martin*

Martin in the Fields, belonging to or claimed by *George James Drummond*, than such as shall be required for the making of the Roadway and Footpath of the Street in this Act described, between *Whitehall Place* and *Wellington Street;* and the Land reclaimed under this Act from the River *Thames*, and lying between the *Adelphi* Estate and the Northern Side of the Line of that Street, shall be subject to the like Restrictions and Provisions in respect to Buildings and other Matters which might occasion Injury or Annoyance to the adjoining Property, or the Owners or Occupiers thereof, as are under the Act of the Eleventh Year of the Reign of King *George* the Third, intituled *An Act to enable certain Persons to enclose and embank Part of the River* Thames *adjoining to* Durham Yard, Salisbury Street, Cecil Street, *and* Beaufort Buildings *in the County of* Middlesex, enacted, and as are now in force in respect of that Part of the *Adelphi* Estate which immediately adjoins thereto, and was enclosed and embanked under that Act; and the same Land so lying between the *Adelphi* Estate and the Northern Side of such Line of Street, and the Fee Simple and Inheritance thereof in possession, shall upon the Completion of the same Street, or of that Portion thereof which shall pass in front of the said *Adelphi* Estate, or on the Completion of the Embankment by this Act authorized, which Event shall first happen, and on Payment of the Balance, if any, which, under the Arbitration herein-after referred to, will have to be paid by the said Owner to the Board, vest in the Owner of the said *Adelphi* Estate; and the Amount of Compensation to be paid by the Board in respect of any Land purchased, and for any Damage done to the said *Adelphi* Estate by the Execution of the Powers of this Act, to which the said Owner may be entitled, under the Provisions of this Act, and also the Value of the said Land so to be vested in the Owner of the *Adelphi* Estate, shall be settled by Arbitration, pursuant to the Provisions of this Act; and the Sum or Sums awarded in respect of the Value of the Land to be so vested and in respect of such Compensation may be set off one against the other, and the Difference shall be paid by the Owner to the Board, or by the Board to the Owner, as the Case may be: Provided always, that no Building shall be erected between the Land so vested in the Owner of the said *Adelphi* Estate and the River *Thames* other than the Walls or Arches of the Embankment or of any Roads or Approaches to be made on the said Land, and except any Public Stairs or Landing Places, Fountains, and covered Resting Places for Public Use, or Public Monuments.

Buildings not to be erected between the

62. No House or Building shall be constructed without the Consent of the Marquis of *Salisbury*, his Heirs, Sequels in Right, or Assigns, upon any Land now lying between, or which shall or may after

after the Reclamation and Enclosure of the Bed and Foreshore of the River, lie between, *Cecil Street* and *Salisbury Street*, and the Houses on the Southern Ends thereof on the North and the River *Thames* on the South, other than the Walls or Arches of the Embankment, or any Roads or Approaches to be made on the said Land, and except any Public Stairs or Landing Places, Fountains, and covered Resting Places for Public Use or Public Monuments; but the said Marquis, his Heirs and Assigns, and his and their Lessees and Tenants of Houses and Premises in *Cecil Street* and *Salisbury Street* respectively, shall have full and free Rights of Communication, and Access and Egress, at all Times, to and from the Land so to be reclaimed and enclosed as aforesaid, and the Board shall provide and construct such convenient Means of Communication therewith as may be necessary for giving to the Marquis, his Heirs and Assigns, and his and their Lessees and Tenants, such Access accordingly.

Property of the Marquis of Salisbury and the River.

63. No Roadway to *Salisbury Street* shall be constructed without the Consent of the said Marquis, his Heirs or Assigns, and if so constructed shall not be open to the Public except for Foot Passengers, unless the said Marquis, his Heirs or Assigns, shall by some Writing under his or their Hand or Hands signify his or their Intention to dedicate it to the Public for other Purposes, to be specified in such Writing or Writings.

Junction with Salisbury Street not to be constructed without Consent of Marquis of Salisbury.

64. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor of the said City for the Time being.

Nothing to prejudice Rights of the Corporation of London.

65. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Saving Rights of the Conservators of the Thames.

66. Nothing in this Act shall interfere with the Powers given by Law to the Commissioners of the Police of the Metropolis.

Saving Powers of Metropolitan Police.

67. If the Board in the course of the Construction of the Works hereby authorized shall interrupt the Course of any Main or other Sewer or Drain, or the Flow of Sewage therefrom, the Board shall, until the Low Level Sewer is available, provide a proper and sufficient Substitute

As to Interference with Sewers.

Substitute before the Flow of Sewage in any such Sewer or Drain is so interrupted.

Saving Rights of Commissioners of Sewers.

68. Nothing in this Act contained shall in any Manner prejudice or affect any of the Powers of the Commissioners of Sewers of the City of *London* further than may be absolutely necessary for effecting the Works by this Act authorized; and any Expense which such Commissioners may incur in making any additional Sewers or Drains, or altering any existing Sewers or Drains (not being Main Drains), in consequence of the Removal, Destruction, Alteration, or Diversion or stopping up any existing Sewers or Drains, shall be repaid to them by the Board.

Saving Rights of District Boards and Vestries.

69. Except only as by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Powers, Rights, Privileges, and Authorities of any District Board or Vestry.

Saving of Rights of Companies herein named.

70. Except as herein is specially provided, nothing in this Act shall prejudice, diminish, alter, or affect any of the Rights, Privileges, Powers, or Authorities by Law vested in the *Charing Cross Bridge* Company, the *Waterloo Bridge* Company, the Corporation of *London* in respect of *Blackfriars Bridge*, the Commissioners of Her Majesty's Works and Public Buildings in respect of *Westminster Bridge*, and the *London, Chatham, and Dover* Railway Company respectively.

No Deviation in Works opposite Crown Land without Consent.

71. Whereas Two Copies of the aforesaid Plans and Sections (which Copies are herein-after called the Crown Plans) have been prepared, on which certain Parts of the Bed or Foreshore of the River *Thames* up to High-water Mark, belonging to or claimed by Her Majesty as Part of the Hereditary Land Revenues of the Crown, are coloured Blue, and other Parts of the same Bed or Foreshore in front of *Somerset House* and of the Buildings in *Cannon Row*, commonly called the Board of Control, respectively are coloured Green, and other Parts of the same Bed or Foreshore in front of certain Land belonging to the Commissioners of Her Majesty's Works and Public Buildings, incorporated for the Purposes of "The *Westminster Bridge* Act of 1853," are coloured Red, and on which Crown Plans the Line of the Roadway and Street authorized by this Act on the said Parts of the said Bed or Foreshore coloured Blue, Green, and Red respectively is confined between Red and Black Lines, and the Line of the *Whitehall Yard* Street authorized by this Act on the said Bed or Foreshore coloured Blue is confined between Red Lines: And whereas the said Crown Plans have been or are intended to be forthwith signed by the

the First Commissioner of Her Majesty's Works and Public Buildings and by One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues: Be it enacted, That one Part of the said Crown Plans so signed as aforesaid shall be deposited among the Records of Her Majesty's Court of Exchequer, and the other Part thereof in the Office of Land Revenue Records and Inrolments, as soon as conveniently may be after the passing of this Act (if not so deposited previously to the passing thereof); and it shall not be lawful for the Board, in the Construction of the said intended Roadway and Street respectively, to make any Deviation from the Levels defined in the Sections shown on the Crown Plans, nor from the Limits of Deviation defined by the said Red and Black Lines and Red Lines respectively on the said Crown Plans, without the Consent in Writing of the First Commissioner of Her Majesty's Works and Public Buildings as regards the Bed or Foreshore coloured Green and Red on such Plans, or of One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being as regards the Bed or Foreshore coloured Blue on such Plans.

Works to be done before Roadway on Crown Lands opened to Public.

72. The Board shall, at their Expense, before opening to the Public the Parts of the intended Roadway which will be constructed on the Bed or Foreshore coloured Blue and Green respectively on the Crown Plans, fill up, level, and wall or fence all those Parts of the said Bed or Foreshore coloured Blue and Green respectively lying between the intended Roadway and the present River Frontage (above High-water Mark), to the Satisfaction in all respects of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, as to the Bed or Foreshore coloured Blue, and of the First Commissioner of Her Majesty's Works and Public Buildings as to the Bed or Foreshore coloured Green, and such filling up and levelling (unless such last-mentioned Commissioners respectively shall otherwise direct in Writing under their respective Hands as to the whole or any Part thereof) shall be done to the Level of the adjoining River Frontage above High-water Mark, and of the said intended Roadway and Street respectively on the Side or Sides abutting thereon respectively.

Disposal of reclaimed Land in which Crown interested.

73. The Bed or Foreshore so filled up, levelled, and walled or fenced as aforesaid shall, as to the Part coloured Blue, continue vested in Her Majesty, Her Heirs and Successors, and shall as to the Part coloured Green be annexed to and be deemed to form Part of *Somerset House* and the House heretofore known as the Board of Control respectively for all Purposes whatsoever, and it shall not be lawful for the Board to use any Part of the Bed or Foreshore coloured Blue or Green so to be filled up as aforesaid for the

Purpose of depositing Materials, except during the Construction of the Works, nor to appropriate or grant any Part of such Bed or Foreshore, or any Right or Easement to, over, or in connexion therewith, by way of Compensation to any Person for Loss of River Frontage or other Damage, it being the Intention of this Act that the same respectively shall be and remain vested and annexed as aforesaid in possession, without becoming subject to any Rights or Estates of or in any Lessees of the River Frontage or other Persons, except only so far as any Lessees may exercise the Option by this Act given to them of taking Leases of the reclaimed Land; and after such filling up, levelling, and walling or fencing aforesaid of the said Bed or Foreshore coloured Blue and Green respectively, and the Embankment in front thereof, shall have been completed, it shall not be lawful for the Board to enter on the Parts so filled up, levelled, and walled or fenced for any Purpose whatsoever.

No Building to be erected on Embankment opposite Land in which Crown interested without Consent.

74. It shall not be lawful for the Board to erect any Building or Structure whatever (other than a Parapet Wall or Railing not exceeding Four Feet in Height) on any Part of the Embankment coloured Blue, Green, or Red on the said Crown Plans, without the Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, as regards the Part coloured Blue, or of the First Commissioner of Her Majesty's Works and Public Buildings as regards the Parts coloured Green and Red.

Mode of ascertaining Value of Interest of Crown and Thames Conservators in certain Lands.

75. An Estimate shall be made of the Amount of any Diminution in Value which may be caused by the Works by this Act authorized (except of so much thereof as will be situate on the Lands coloured Blue, Green, or Red on the Crown Plans, for which excepted Parts no Money Compensation is to be paid,) of the Rights and Interests of Her Majesty in right of Her Crown, and of the Conservators of the River *Thames* under "The *Thames* Conservancy Act, 1857;" and the Amount of such Estimate shall be paid by the Board to the Conservators, to be applied by them according to the Provisions of the same Act, by way of Compensation for the Rights and Interests aforesaid; and the said Estimate shall be made by Two Arbitrators or their Umpire in manner following; *viz.*, one such Arbitrator shall be appointed by the Board, and the other by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, within One Month after the passing of this Act; and such Arbitrators shall before they commence their Duty appoint an Umpire in Writing; and if within Twenty-one Days after both Arbitrators have been appointed they shall omit or refuse to appoint an Umpire as aforesaid, it shall be lawful for the Commissioners of

of Her Majesty's Treasury to appoint an Umpire, which Appointment shall be valid, whether the Arbitrators have then commenced their Duty or not; and if either Party shall neglect or refuse to appoint an Arbitrator as aforesaid, the Arbitrator appointed by the other Party shall act alone; and the Decision of such Arbitrators, or Arbitrator or Umpire (as the Case may be), shall be final; and all the Costs and Expenses of the Valuation to be incurred by either Party shall be borne and paid by the Board.

No Compensation to Crown in respect of Land above High-water Mark.

76. The Board shall not be liable to pay to Her Majesty, Her Heirs or Successors, any Compensation for any Damage or Injury which may be caused to any of the Lands belonging to Her Majesty, Her Heirs and Successors, in right of the Crown above High-water Mark by reason of the Severance from the River *Thames* and of the Construction of the Roadway on the Embankment by this Act authorized.

New Landing Places to be provided where existing ones removed.

77. Whenever the Board shall shut up, remove, or in any Manner obstruct the Use and Enjoyment of any existing Stairs, Hards, or Landing Places on or in front of any Part of the Bed or Foreshore coloured Blue, Green, or Red in the said Crown Plans, they shall, at their own Expense, construct and maintain other Stairs or Landing Places in lieu thereof, to the Satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, as regards the Part coloured Blue, and of the First Commissioner of Her Majesty's Works and Public Buildings as regards the Parts coloured Green and Red respectively, such substituted Stairs or Landing Places to be for the sole Use and Enjoyment of Her Majesty, Her Heirs and Successors, or such other Person or Persons as are or would have been entitled to the Use and Enjoyment of the Stairs or Landing Places in lieu whereof the same respectively shall have been constructed; and it shall not be necessary to obtain the Approval of the Conservators of the River *Thames* before constructing such Stairs or Landing Places, nor shall the same vest in the said Conservators, any general Provisions in this Act notwithstanding; and the Board shall, at their own Expense, construct and maintain such Roads, Ways, and other Communications into the said intended Roadway from the Lands or Buildings adjoining the Parts coloured Green and Red respectively on the said Crown Plans, and also such Stairs and other Conveniences for Access to the River from the same Lands, as the Commissioners of Her Majesty's Treasury shall from Time to Time during the Construction of the Works authorized by this Act in Writing require, and shall on the like Requisition afterwards stop up and discontinue the same or any of them; and it shall be lawful for Her Majesty, Her Heirs and Successors, or the Commissioners for the

the Time being of Her Majesty's Woods, Forests, and Land Revenues, at any Time or Times hereafter to require the Board, at the Expense of the said Commissioners, to construct any Vaults or Cellars extending not more than Twelve Feet under any Roadway or Street to be constructed upon any Part of the said Bed or Foreshore coloured Blue, and also to have Access at all Points to such Roadway or Streets from any Part of the Hereditary Possessions of the Crown, and to open any Streets into the same; and it shall also be lawful for the Commissioners for the Time being of Her Majesty's Works and Public Buildings, with the Consent or by the Direction of the Lords Commissioners of Her Majesty's Treasury, at any Time or Times hereafter, to require the Board, in like Manner, and at the Expense of the said Commissioners, to construct any such Vaults or Cellars as aforesaid under the Roadway or Streets to be constructed upon any Part of the said Bed or Foreshore coloured Green or Red, and also to have Access at all Points to such Roadway or Streets from any Part of the Buildings or Land adjoining the said Parts coloured Green and Red respectively, and to open any Streets into the same: Provided always, that no Work to be done under the foregoing Provision shall be such as to prejudice or injuriously affect any Subway or other Works of the Board, or the convenient Use thereof by the Public.

Crown Lessees to have Option of taking Lease of reclaimed Land adjacent to their Properties for Terms of their Leases.

78. It shall be lawful for the Lessees of Her Majesty of the River Frontage, adjacent to so much of the Land and Foreshore coloured Blue on the Crown Plans as lies between *Whitehall Stairs* and the Southern Extremity of the Land and Foreshore so coloured Blue, to have the Option (to be signified by Notice in Writing under the Hands of such Lessees respectively, and to be left at the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues,) within Five Years after the passing of this Act, of taking Leases from the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, of the Land and Foreshore adjacent to their respective Leasehold Properties which will intervene between the same and the intended Roadway for Terms co-extensive with their several existing Leases, and at Rents to be fixed as herein-after provided; and in case any Question shall arise as to the Lessees or Lessee entitled to such Option, or as to the Extent of Land and Foreshore to be included in any Lease, every such Question shall be settled by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, whose Decision shall be final; and the Rents to be reserved by such Leases shall in every Case be fixed by the Arbitration of Two Surveyors, one to be nominated by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues,

or

or One of them, and the other by the Lessees respectively, or by an Umpire to be appointed by such Arbitrator, or to be agreed to in the first instance by the said Commissioners or Commissioner and Lessees respectively; and such Rent shall be estimated on the Basis of a fair Rental on the Land as Garden Ground which cannot be built upon; and in any Claim for Compensation by the said Lessees on the Ground of their Lands or Interests being injuriously affected by reason of the Works by this Act authorized, regard shall be had to the Option by this Section given to such Lessees of taking Leases of the Land and Foreshore adjoining to their respective Properties at such Rent as aforesaid.

Saving Rights of Crown under Conservancy Act.

79. Except as specially provided by this Act, all the Rights and Interests of Her Majesty, Her Heirs and Successors, under the *Thames* Conservancy Act, 1857, shall continue unaffected and in full Force.

Saving Rights of the Crown generally.

80. Nothing contained in this Act shall authorize the Board to take, use, or in any Manner interfere with any Land, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, claimed by or belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, other than the Lands, Tenements, Hereditaments, or Rights below High-water Mark, for the Acquisition whereof express Provision is made by this Act, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in this Act contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Provision as to Land belonging to the Duchy of Lancaster.

81. A Valuation of any Lands, Tenements, or Hereditaments, or of any Rights and Interests whatsoever, vested in, belonging to, or enjoyed or exerciseable by Her Majesty, Her Heirs and Successors, in right of Her Duchy of *Lancaster*, which shall be required to be taken, used, or interfered with by the said Board for the Purposes of this Act, shall be made, and the Amount of such Valuation shall be paid by the said Board to the Receiver General of the Revenues of the said Duchy, or his sufficient Deputy or Deputies, before the said Board shall commence any Works within the Manor or Precinct of the *Savoy*, or within any Lands vested in or belonging to Her Majesty in right of Her said Duchy; and the said Valuation shall be made by Two Arbitrators in manner following; that is to say,

say, one such Arbitrator shall be appointed by the Board, and the other by the Chancellor for the Time being of the said Duchy, within One Month after the passing of this Act; and such Arbitrators shall, before they commence their Duty, appoint an Umpire in Writing; and if within Twenty-one Days after both Arbitrators have been appointed they shall omit or refuse to appoint an Umpire as aforesaid, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to appoint an Umpire, which Appointment shall be valid, whether the Arbitrators have then commenced their Duty or not; and if either Party shall neglect or refuse to appoint an Arbitrator as aforesaid, the Arbitrator appointed by the other Party shall act alone; and the Decision of such Arbitrators or Arbitrator or Umpire (as the Case may be) shall be final; and all the Costs and Expenses of the Valuation shall be borne and paid by the said Board; and the Amount of Valuation paid to the Receiver General shall be dealt with as Purchase Monies for Lands sold under the "Duchy of *Lancaster* Sales Act, 1855," and upon Payment thereof the Chancellor and Council may execute a Grant or Assurance to the Board of the Lands, Tenements, or Hereditaments, Rights or Interests, in respect of which such Payment shall have been made, as provided in the Case of a Sale under that Act.

Street Viaduct within Savoy Precinct to be constructed to Satisfaction of Duchy of Lancaster Surveyor, and saving Rights of Duchy of Lancaster.

82. The Street Viaduct within the Precinct of the *Savoy* shall be constructed to the Satisfaction of the Surveyor in that Behalf of the Duchy of *Lancaster*, and so as not to interfere with the Chapel of *Saint John the Baptist* in the said Precinct, and as little as possible with the Yard of the said Chapel; and in constructing the said Viaduct the Board shall not, without the Consent in Writing of the Chancellor and Council for the Time being of the said Duchy on behalf of Her Majesty in right of Her said Duchy first had and obtained for that Purpose, which Consent the said Chancellor and Council are hereby authorized to give, enter upon, use, or take any more Ground than shall be actually requisite for the Construction thereof, and the Ground between the Pillars under the said Viaduct shall remain and be vested in Her Majesty, Her Heirs and Successors, in right of Her said Duchy; and nothing in this Act shall authorize the Board to take, use, or in any Manner interfere with any Land, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by Her Majesty in right of Her Duchy of *Lancaster*, other than the Lands, Tenements, and Hereditaments or Rights for the Acquisition whereof Provision is made by the next immediately preceding Section of this Act, without the Consent in Writing of the Chancellor and Council for the Time being of the said Duchy, on behalf of Her Majesty, in right of Her said Duchy, first had and obtained for that Purpose (which Consent the said Chancellor

Chancellor and Council are hereby authorized to give); neither shall anything in this Act contained divest, take away, prejudice, diminish, or alter any Estate, Right, Title, Privilege, Power, or Authority vested in or enjoyed or exerciseable by Her Majesty, Her Heirs or Successors, in right of Her said Duchy.

83. The Viaduct in front of the Works and Premises of the City of *London* Gaslight and Coke Company shall be carried upon Two Arches, having each a Span of Seventy Feet at the least, and a Headway beneath the same of not less than Eight Feet above Trinity High-water Mark.

Viaduct in front of City Gasworks.

84. There shall be One Arch under the said Viaduct in front of the *Whitefriars* Dock, having a Span of Seventy Feet at the least, and having a Headway beneath the same of not less than Eight Feet above Trinity High-water Mark.

Viaduct in front of Whitefriars Dock.

85. Within Two Months after the passing of this Act the several supplemental Plans herein referred to as signed by the Right Honourable *William Cowper*, and marked respectively A, B, and C, shall be deposited with the Clerk of the Peace for the County of *Middlesex*, who shall receive and retain them, and permit all Persons interested to inspect them, and make Copies and Extracts of and from them, in like Manner, upon the like Terms, and under the like Penalty for Default, as by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, is provided with respect to the Documents therein specified.

Supplemental Plans marked A. B. and C. to be deposited with Clerk of Peace of Middlesex.

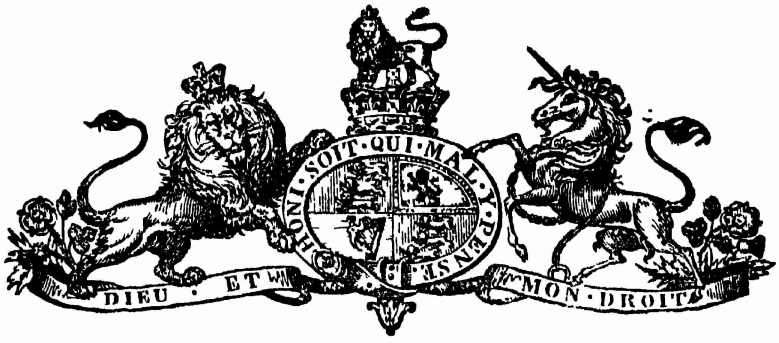
SCHE-

SCHEDULE.

Form of Mortgage.

In pursuance and by virtue of "The Thames Embankment Act, 1862," we, the Metropolitan Board of Works, do hereby, in consideration of the Sum of £ paid to us by of [*&c.*] for the Purposes of this Act, assign to the said Executors, Administrators, and Assigns, such Part or Proportion of the Thames Embankment and Metropolis Improvement Fund under "The London Coal and Wine Duties Continuance Act, 1861," and of the Monies from Time to Time payable to us out of the Fund by virtue of the first herein-before mentioned Act, as the said Sum of £ bears to the whole Amount from Time to Time borrowed by us on the Security of that Fund and of the Monies last aforesaid, to hold to the said Executors, Administrators, and Assigns, until the Sum of £ with Interest thereon at the Rate of £ per Centum per Annum from the Day of the Date hereof, and to be paid half-yearly, shall be fully paid. As witness our Corporate Seal, this Day of in the Year of our Lord 18 .

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Short Title.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1862," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ceulan-y-maesmawr and Llancynfelin.	Cardigan - -	12th December 1861.
Llanfihangel Geneurglyn -	Cardigan - -	12th December 1861.
Scyborycoed - - -	Cardigan - -	12th December 1861.
Lamburne Common - -	Cornwall - -	5th March 1862.
Boscombe - - -	Wilts - - -	5th March 1862.
Blythburgh Fen - -	Suffolk - -	13th March 1862.
Swydd Neithon - -	Radnor - -	15th May 1862.
Iscoed - - -	Radnor - -	15th May 1862.
Norton - - -	Stafford - -	15th May 1862.
Great Burstead - -	Essex - -	9th May 1861.
Stapleford Abbots, Lambourne, and Dagenham.	Essex - -	5th June 1862.
West Bergholt - -	Essex - -	5th June 1862.
Datchworth and Knebworth -	Hertford - -	5th June 1862.
Berkhamsted Saint Mary, otherwise Northchurch.	Hertford - -	5th June 1862.
Warlingham - - -	Surrey - -	15th May 1862.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XCV.

An Act to amend the Law relating to Polling Places in the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury*, and *East Retford*.

[7th *August* 1862.]

WHEREAS by an Act of the Session of the Second and Third Years of the Reign of King *William* the Fourth, Chapter Sixty-four, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in* England *and* Wales, *in so far as respects the Election of Members to serve in Parliament*, it is enacted that the Poll for the Election of Members to serve in Parliament for the several Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury*, and *East Retford* should be taken at the Place or Places mentioned in the Schedule to the said Act annexed, in conjunction with the Names of such several Boroughs respectively; and that the Justices of the Peace for the respective Counties in which the Boroughs of *New Shoreham*, *Cricklade*, and *East Retford* are situated should, at the Quarter Sessions to be holden in the Month of *October* in the Year One thousand eight hundred and thirty-two, divide the said Boroughs of *New Shoreham*, *Cricklade*, and *East Retford* into convenient Districts for Polling, and should assign One of such Districts to every Polling Place for the said Boroughs of *New Shoreham*, *Cricklade*, and *East Retford* mentioned

2 & 3 W. 4. c. 64.

mentioned in the said Schedule to the said Act annexed: And whereas by Two Acts, the one of the Session of the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and two, intituled *An Act for rendering more easy the taking the Poll at County Elections*, and the other of the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, intituled *An Act to limit the Time for proceeding to Election in Counties and Boroughs in* England *and* Wales, *and for Polling at Elections for the Universities of* Oxford *and* Cambridge, *and for other Purposes*, Power is given to Her Majesty, on Petition of the Justices in Quarter Sessions assembled, and upon such Notices being given as therein mentioned, to provide additional Polling Places for Counties or to substitute other Polling Places for Counties: And whereas it is expedient that Power should be given to the Justices of the respective Counties in which the said Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury*, and *East Retford* are situate to provide additional Polling Places for such Boroughs, and to substitute other Polling Places for the existing Polling Places in such Boroughs: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 W. 4. c. 102.

16 & 17 Vict. c. 68.

6 & 7 W. 4. c. 102. and 16 & 17 Vict. c 68. to apply to Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford.

1. That for the Purposes of any Alteration in or Addition to the Polling Places or Polling Districts of the several Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury*, and *East Retford*, each of such Boroughs shall be deemed to be a County separately returning a Member or Members of Parliament, and the Justices of the Quarter Sessions of the Counties or Divisions of Counties in which the said Boroughs are situate shall respectively, as regards each such Borough, be deemed to be the Justices of the County within the Meaning of the said Acts of the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and two, and of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight; and all the Provisions of the said Acts with respect to Alterations in or Additions to Polling Places in Counties shall extend to the said Boroughs accordingly.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XCVI.

An Act to render tenable during good Behaviour the Office of the Officer of the Court of Common Pleas by whom the Certificates of Acknowledgment of Deeds of married Women are filed of Record. [7th *August* 1862.]

WHEREAS under the Provisions of an Act passed in the Third and Fourth Years of King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, the Officer of the Court of Common Pleas at *Westminster*, by whom the Certificates of Acknowledgments of Deeds by married Women are to be filed of Record according to the Directions contained in the said Act, may now be removed by the Lord Chief Justice for the Time being of the said Court of Common Pleas at his Pleasure, and it is expedient that such Officer should hold his Office and Appointment during good Behaviour: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 3 & 4 W. 4. c. 74.

1. That

Court of Common Pleas (Officer for Acknowledgment of Deeds).

Officer to hold Office during good Behaviour;

1. That such Officer and his Successors shall respectively from and after the passing of this Act hold such Office and Appointment during good Behaviour.

and subject to any Regulations which may be hereafter made by Parliament.

2. Provided always, That the said Officer and his Successors shall hold the said Office subject to any Regulations which may be hereafter made by Parliament concerning the same or the Duties thereof; and in the event of such Office being abolished, or of the Duties thereof being transferred or altered by any Act to be hereafter passed, or of any Alteration being made by competent Authority in the Fees, Emoluments, or Remuneration to be allowed to such Officer, the said Officer and his Successors shall not be entitled to make any Claim to Compensation which he or they would not have been entitled to make if this Act had not passed.

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VICTORIÆ REGINÆ.

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"Justice" or "Justices" shall mean any Justice or Justices of the Peace acting for the County, City, or Burgh where the Matter requiring the Cognizance of such Justice or Justices shall arise:

"Secretary of State" shall mean One of Her Majesty's Principal Secretaries of State:

"Proprietor" or "Proprietors" shall mean and include any Person, Company, or Corporation who is the Proprietor of a Salmon Fishery, or who receives or is entitled to receive the Rents of such Fishery on his or their own Account, or as Trustee, Guardian, or Factor for any Person, Company, or Corporation, and shall also include Her Majesty in right of Her Crown:

"Byelaw" and "Byelaws" shall include all Rules, Orders, and Regulations made by the Commissioners under the Authority of this Act:

"Salmon" shall mean and include Salmon, Grilse, Sea Trout, Bull Trout, Smolts, Parr, and other migratory Fish of the Salmon Kind:

"Fisheries" and "Fishery" shall mean Salmon Fisheries and a Salmon Fishery in any River or Estuary or in the Sea:

"River" shall include Tributaries and any Lake from or through which any River flows:

"Valuation Roll" shall mean the Valuation Roll in force for the Time for any County, and each of the Royal Burghs therein, made up under the Authority of the Public General Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time.

Commencement of Act.

3. The Enactments and Provisions of this Act with respect to the Appointment, Powers, and Duties of the Commissioners, and the Election, Powers, and Duties of District Boards, shall come into operation and take effect from and after the passing of this Act, and all the other Enactments and Provisions of this Act shall come into operation and take effect from and after the First Day of *January* One thousand eight hundred and sixty-three.

Each River and Estuary, and the Seacoasts adjoining, to be a District.

4. Each River in *Scotland* flowing into the Sea, and every tributary Stream or Lake flowing into or connected with such River, and the Mouth or Estuary of such River, and the Seacoasts adjoining thereto, divided into such Portions as may be fixed and defined by the Commissioners under the Authority of this Act, shall form a District for the Purposes of this Act.

Commissioners to be appointed by Secretary of State.

5. It shall be lawful for the Secretary of State to appoint Three Commissioners for the Purposes of this Act, who shall be paid at such Rate,

Rate, not exceeding Three Pounds *per* Day each, as the Commissioners of the Treasury may direct, the whole Amount to be received by each Commissioner not exceeding Three hundred and fifty Pounds *per Annum*, over and above such Travelling Expenses as the Commissioners of the Treasury may sanction: Provided that the Duration of the Office of such Commissioners shall in no Case extend beyond Three Years.

Duties of Commissioners.

6. The Commissioners shall have the Powers and perform the Duties herein-after specified; that is to say,

(1.) To fix and define, for the Purposes of this Act and the other Acts relating to Salmon and Salmon Fisheries in *Scotland*, the natural Limits which divide each River in *Scotland* (including the Estuary thereof) from the Sea, in so far as the same may not be already fixed by Statute or by judicial Decision:

(2.) To fix, for the Purposes of this Act, the Limits of the *Solway Firth*, having regard to an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Forty-five:

(3.) To fix, for the Purposes of this Act, the Limits of every District, and the Portions of the Seacoast adjoining to the Mouth or Estuary of any River to be included in such District:

(4.) To fix, for the Purposes of this Act, a Point on each River (including the Estuary thereof) below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors:

(5.) To determine, subject to the Provisions of this Act, at what Dates the Annual Close Time for every District shall commence and terminate, and at what Periods subsequent to the Commencement and prior to the Termination of the Annual Close Time it shall be lawful to fish for and take Salmon with the Rod and Line: Provided that the Number of Days during which such Annual Close Time shall continue shall be the same as regards every District:

(6.) To make general Regulations with respect to the following Matters; *viz.*,

The due Observance of the Weekly Close Time:

The Construction and Use of Cruives:

The Construction and Alteration of Mill Dams, or Lades, or Water Wheels, so as to afford a reasonable Means for the Passage of Salmon:

The Meshes of Nets (so that they shall not intercept Smolts or Salmon Fry):

Obstruc-

Obstructions in Rivers or Estuaries to the Passage of Salmon:

Provided that such Regulations shall not interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter, or possessed for Time immemorial.

Annual and Weekly Close Time.

7. The Annual Close Time for every District shall continue for One hundred and sixty-eight Days; and the Weekly Close Time, except for Rod and Line, shall continue from the Hour of Six of the Clock on *Saturday* Night to the Hour of Six of the Clock on *Monday* Morning; but the Commissioners shall have Power, on the Application of the District Board, or of any Two Proprietors of Fisheries in any District, to vary the Period at which the Weekly Close Time shall commence in any District, or any Part thereof, in so far as they may think reasonable or expedient: Provided that such Weekly Close Time shall in no Case be less than Thirty-six Hours.

Application of Annual Close Time.

8. The Annual Close Time shall be applicable to every Mode of fishing for or taking Salmon in any River, Lake, or Estuary, or in the Sea, except by means of the Rod and Line for the Periods in each District to be fixed by the Commissioners subsequent to the Commencement and prior to the Termination of the Annual Close Time during which it shall be lawful to fish for and take Salmon by means of the Rod and Line.

Present Annual Close Times to subsist until altered under this Act.

9. In regard to any River and Estuary which are regulated by any Local Act relating thereto the Annual Close Time fixed by such Act, and in regard to all other Rivers, Estuaries, and Seacoasts in *Scotland* the Annual Close Time fixed by the Public General Act Ninth *George* the Fourth, Chapter Thirty-nine, shall respectively be applicable until the Annual Close Time with respect to any such River, Estuary, or Seacoast shall be otherwise determined by any Byelaw made by the Commissioners under the Authority of this Act.

Fishing illegal where prohibited by existing Acts.

10. It shall not be lawful to fish for or take Salmon at any Place or by any Mode prohibited by any Statute relating to Salmon or Salmon Fisheries in *Scotland* subsisting and in force at the Date of the passing of this Act; and nothing contained in this Act or in any Byelaw made by the Commissioners shall render legal any Mode of fishing which was or would have been illegal at the Date of the passing of this Act.

Penalties for Offences.

11. Every Person who commits any of the following Offences shall for every such Offence be liable to a Penalty not exceeding Five Pounds,

Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon taken or killed contrary to the Provisions of this Act, or of any Byelaw made by the Commissioners under the Authority of this Act; and shall, in addition to such Penalties, at the Discretion of the Magistrate, forfeit every Boat, Net, Rod, Line, or other Article which has been or may be used in fishing for or taking Salmon, and which is found in the Possession of such Person at the Time of the committing such Offence; that is to say,

Every Person who fishes for or takes Salmon during the Annual Close Time by any Means other than the Rod and Line:

Every Person who fishes for or takes Salmon, except during *Saturday* or *Monday*, by Rod and Line, during the Weekly Close Time, or acts in breach or contravention of any Byelaw made by the Commissioners in regard thereto:

Every Person who fishes for or takes Salmon during the Annual Close Time by means of the Rod and Line at a Period not sanctioned by the Commissioners:

Every Person who fishes for Salmon with a Net having a Mesh contrary to any Byelaw of the Commissioners:

Every Person who obstructs or impedes the Passage of Salmon contrary to any Byelaw of the Commissioners:

Every Person who sells or exposes for Sale fresh Salmon taken within the Limits of this Act during the Period between the Commencement of the latest and the Termination of the earliest Annual Close Time which may have been fixed for any District; but the Burden of proving that Salmon so sold or exposed by any Person for Sale have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale:

Every Person who takes or has in his Possession any foul or unseasonable Salmon:

Every Person who uses or has in his Possession any Light for the Purpose and with the Intention of taking Salmon:

Every Person who sets a Net or any other Engine for Capture of Salmon when the Fish show themselves when leaping at or trying to ascend any Fall or other Impediment:

Every Person who wilfully takes or destroys or injures or obstructs the Passage of the Young of Salmon, or disturbs any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be deposited; but this Provision shall not apply to Acts done for the Purpose of the artificial Propagation of Salmon or for other scientific Purposes, or in the Course of the Exercise of Rights of Property in the Bed of any Stream: Provided also, that the District Board may, with the Consent of all the

Proprietors of Salmon Fisheries in any River or Estuary, adopt such Means as they think fit for preventing the Ingress of Salmon into narrow Streams or Tributaries in which they or the Spawning Beds are, from the Nature of the Channel, liable to be destroyed, but always so that no Water Rights used or enjoyed for the Purposes of Manufactures or Agricultural Purposes or Drainage shall be interfered with thereby.

Penalty for using or possessing Salmon Roe.

12. Every Person who uses Salmon Roe for the Purpose of fishing, or has in his Possession any Salmon Roe for Sale or for the Purpose of fishing, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and shall forfeit any Salmon Roe found in his Possession.

Penalty for causing or allowing poisonous Substances to flow into Rivers.

13. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any River containing Salmon, any liquid or solid Matter poisonous or deleterious to Salmon, or who shall discharge into any River Sawdust to an Extent injurious to any Salmon Fishery, shall be liable to the following Penalties; (that is to say,)

For the First Offence a Penalty not exceeding Five Pounds:

For the Second Offence a Penalty not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued:

For the Third or any subsequent Offence a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Five Pounds for every Day during which such Offence is continued:

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within a reasonable Cost, to dispose of or render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or exempt any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be contrary to Law.

Commissioners to visit and report on Rivers and Estuaries.

14. The Commissioners shall visit and report on the several Rivers and Estuaries and Salmon Fisheries in *Scotland*, after Notice duly given by special Advertisement in some Newspaper of general Circulation in the District, not less than Ten Days before any such Visitation, to the Proprietors of Salmon Fishings on

on each of such Rivers or Estuaries, of their Intention so to visit and report.

15. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-three, fix and determine by Byelaws the Matters specified in the Third and Fourth Subdivisions of the Sixth Section of this Act; and a Copy of such Byelaws applicable to each District shall be, prior to the said Date, transmitted by Post to the Sheriff Clerk of each County, in so far as the same may relate to a District or Part of a District situate therein; and the Sheriff Clerk shall, on Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after One Month after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: Provided that in the Case of such Districts in which by reason of their inconsiderable Size it may seem to the Commissioners unnecessary to determine such Matters, they may defer doing so until required by more than Six Proprietors of Fisheries within the same, after the Limits of such District have been defined, as herein-after provided, and shall proceed, in other respects, as above provided.

Commissioners to make Byelaws on Matters specified in Third and Fourth Subdivisions of Sixth Section of this Act.

16. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-four, determine the other Matters specified in the Sixth Section of this Act, by Byelaws under their Hands, or the Hand of any Two of them, and shall report the same to the Secretary of State; provided that previously to making such Byelaws they shall communicate the same to the District Board, and afford the Board reasonable Opportunity of making any Representation to the Commissioners respecting the same; and a Copy of such Byelaws shall be transmitted to the Sheriff Clerk of each County, in so far as the same may relate to any District situated therein; and the Sheriff Clerk shall, on the Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published

Commissioners to make Byelaws on the other Matters specified in Sixth Section.

published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after Two Months and within Four Months after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned.

As to Evidence to be taken by Commissioners.

17. The Commissioners, in execution of this Act, shall take such Evidence as they may find to be necessary, and in the event of Witnesses refusing to attend and give Evidence, or to allow Access to Documents, they may apply to the Sheriff of the County for a Warrant to cite Witnesses and Havers, and the Sheriff is hereby authorized to grant the same.

As to the Election of District Boards.

18. Within Three Months after any Byelaw constituting the District shall have been published the Sheriff shall direct the Sheriff Clerk to make up a Roll of the Upper Proprietors and also a Roll of the Lower Proprietors in each District; and the Qualification of an Upper Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards, or, if such Fishery be not valued on the Valuation Roll, of Half a Mile of Frontage to the River, with a Right of Salmon Fishing, and the Qualification of a Lower Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards; and the Sheriff shall have Power to decide summarily any Question arising on any Claim to such Qualification; and the Sheriff shall thereafter direct the Sheriff Clerk to call a Meeting of the Upper Proprietors, and also a Meeting of the Lower Proprietors, at such Times and Places as he shall direct; and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and the Upper Proprietors and Lower Proprietors present at such separate Meetings respectively shall elect not more than Three of their Number to be Members of the District Board, every Proprietor of a Fishery valued at more than Five hundred Pounds on the Valuation Roll having Two Votes at such Election, and an additional Vote for every Five hundred Pounds of Rental, but not more than Four Votes in all; and the Members so elected with the Proprietor having the largest Amount entered in the Valuation Roll as the yearly

yearly Rent or yearly Value of Fisheries in such District shall constitute the District Board; and the last-mentioned Proprietor shall be the Chairman of the Board, and have a deliberative as well as a casting Vote; and the Election of such Board shall be notified by the Chairman of such respective Meetings to the Sheriff Clerk within Seven Days from the Date of the same, and the Sheriff shall thereafter summon the First Meeting of such Board for such Day and such Place as he may fix: Provided always, that if any River be situate in Two or more Counties, the Notices above provided shall be given and such Meetings shall be called in such Manner as the Sheriffs of such Counties jointly shall direct.

Constitution of the Board where Proprietors are less in Number than Three.

Their Votes.

19. If in any District the Upper Proprietors or the Lower Proprietors shall be fewer in Number than Three, the Board shall consist of an equal Number, elected as aforesaid, along with the Proprietor having the largest Valuation, who shall also be Chairman of the Board, as above provided; and if such last-mentioned Proprietor be the sole Upper or the sole Lower Proprietor, he shall have Two Votes on the Board; and if there shall be only One Proprietor in any District such Proprietor shall have and may exercise all the Powers by this Act conferred on the District Board.

Mandatories may be appointed.

20. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in Cases where Her Majesty in right of Her Crown is Proprietor of any Fishery, and for any Corporation or Company, being the Proprietors of any Fishery, or for any Proprietor of a Fishery, respectively, from Time to Time to nominate and appoint, by any Writing under his or their Hand or Seal, any Person as the Mandatory of such Commissioners, Corporation, Company, or Proprietor to attend, act, and vote at any Meeting of Proprietors under this Act; and every such Nomination and Appointment shall subsist until recalled by the said Commissioners or either of them, or by the Corporation or Company or Proprietor making the same.

Payment to Sheriff Clerk in connexion with Elections.

21. All Expenses incurred by the Sheriff Clerk in making up the Roll of Proprietors, and in calling and attending the Meetings for the Election of the District Board, with such reasonable Remuneration for his Time and Trouble as shall be fixed by the Sheriff, shall be paid to the Sheriff Clerk by the District Board out of the Assessments to be levied under the Authority of this Act.

Powers and Duties of District Boards.

22. The District Board may sue or be sued in the Name of their Clerk, and if there be more than Six Members Three Members shall form

form a Quorum, and if there be fewer than Six Members Two shall form a Quorum, and they shall keep regular Books and Accounts, and shall hold their First Meeting within Ten Days after the First Election under this Act at a Time and Place to be fixed at the Meetings of Proprietors at which such Election took place, or in Cases where such Election is not necessary the First Meeting shall take place at a Time to be fixed by a Majority of the Proprietors, and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws to be made by the Commissioners; and the District Board shall have Power, subject to the Provisions of this Act and the Byelaws made by the Commissioners, to make and alter from Time to Time Regulations for the Preservation of the Fisheries in the District, and from Time to Time to appoint a Clerk, and such Number of Constables, Water Bailiffs, Watchers, and other Officers as they think fit, to fix and prescribe the Duties of all Persons appointed by them, and to remove such Persons, and appoint other Persons in their Stead; and they may combine with any other District Board for the Purpose of this Act, and to maintain a common Staff of Officers for the Protection and Preservation of the Fisheries of more than One District, and may agree with the Police Committee of any County for the Purpose of paying additional Constables for the better Protection of the Fisheries in their District: Provided that all such Regulations shall, before taking effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested Right of Property, and shall not authorize any Encroachment or Trespass on private Property.

Assessments may be imposed by District Boards.

23. The District Board shall have Power to impose an Assessment for the Purposes of this Act, to be called the Fishery Assessment, on the several Fisheries in each District, according to the yearly Rent or yearly Value of such Fisheries as entered in the Valuation Roll; and every Proprietor of a Fishery which is not valued on the Valuation Roll, and who shall claim Right to vote in the Election of Members of the District Board, shall be held to be a Proprietor of a Fishery of the Value of Twenty Pounds, and shall be assessed accordingly; and such Fishery Assessments may be imposed, collected, and recovered by the District Board in the same Manner as Police Assessments may be imposed, collected, and recovered by the Commissioners of Supply under the Authority of the Public General Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and for the Purpose of imposing, collecting, and recovering such Fishery Assessments the District Boards shall have and may exercise all the Powers conferred by the said Act on Commissioners of Supply for imposing,

imposing, collecting, and recovering the Assessments leviable under the same.

24. Each District Board shall continue in Office for Three Years, and Members thereof shall be eligible for Re-election, and Vacancies occurring during such Period shall be filled up by the Board until the next Meeting of Proprietors, who shall then fill up the same; and Meetings of the Upper and Lower Proprietors respectively for the Purpose of each triennial Election of not more than Three Upper Proprietors and Three Lower Proprietors respectively shall be called by the Clerk, who shall give Notice of such Meetings by Advertisement as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and such Meetings shall at the same Time take such Steps as they shall think proper for auditing and attesting the Accounts of the District Board for the preceding Three Years.

As to future Elections of District Boards.

25. It shall be lawful for the District Board, by any Byelaw or Regulation to be made by them and approved of by the Secretary of State as herein-before provided, to enact that any Person committing any Breach or Contravention of such Byelaw or Regulation shall be liable for every such Offence to a Penalty not exceeding Two Pounds; and such Penalty may be sued for and recovered in the same Manner as Penalties incurred and imposed under the Provisions of this Act.

Penalties for Breach of Byelaws and Regulations.

26. Any Net, Rod, Line, or other Article directed to be forfeited under this Act may be seized by any Constable, Water Bailiff, Watcher, or other Officer appointed by the District Board, and the Sheriff or Justice may either order the same to be destroyed or to be sold, and the Proceeds of such Sale to be paid to the Clerk on behalf of the District Board.

Forfeited Articles may be seized.

27. If Three or more Persons acting in concert, or being together or in company, shall at any Time between the Expiration of the First Hour after Sunset on any Day and the Beginning of the last Hour before Sunrise on the following Morning enter or be found upon any Ground adjacent or near to any River or Estuary or the Sea, or in or upon any River or Estuary or the Sea, with Intent illegally to take or kill Salmon, or having in his or their Possession any Net, Rod, Spear, Light, or other Instrument used for taking Salmon with such Intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking Salmon, every such Person shall be guilty in *Scotland* of a Criminal Offence, and

Three or more Persons illegally fishing at Night to be guilty of a Criminal Offence.

and in *England* within the Limits of the "*Tweed* Fisheries Amendment Act" of a Misdemeanor, and shall for every such Offence be liable to a Fine not exceeding Five Pounds, or to Imprisonment for any Period not exceeding Three Months, as the Sheriff or Justices before whom such Persons or any of them are tried and convicted may determine; and if such Fine be not paid immediately on Conviction, the Offender so failing to pay shall be sentenced to Imprisonment for such Period, not exceeding Three Months, as the Sheriff or Justices may adjudge, unless such Fine shall be sooner paid.

Prosecution for Offences under this Act, and Recovery of Penalties.

28. All Offences under this Act may be prosecuted and all Penalties incurred under this Act may be recovered before any Sheriff or any Two Justices acting together and having Jurisdiction in the Place where the Offence was committed, at the Instance of the Clerk of any District Board or of any other Person; and it shall be lawful for the Sheriff or Justices to whom any Petition or Complaint is presented to proceed in a summary Form, and to grant Warrant for bringing the Persons complained against before him or them, and on Proof on Oath by One or more credible Witness or Witnesses or Confession of the Person accused, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, other than a Record of the Charge and of the Judgment pronounced thereon, and to grant Warrant for the Recovery of all Penalties and Expenses decerned for, by Poinding, and Imprisonment for any Period not exceeding Six Months; and any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justices pronounced in any Complaint or Prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, Chapter Forty-three, for taking away and abolishing Heritable Jurisdictions in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty and Expenses awarded against him by the Judgment appealed from, in the event of such Appeal being dismissed, together with any additional Expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such Appeal; and it shall not be competent to appeal from or bring the Judgments of any Sheriff or Justices acting under this Act under Review by Advocation or in any other Way than as herein provided.

29. In

29. In the event of any Person refusing or neglecting to obey any Byelaw made by the Commissioners, or any Regulation made by the District Board, the Clerk may apply to the Sheriff by summary Petition in ordinary Form, praying to have such Person ordained to obey the same, and the Sheriff shall take such Proceedings and make such Orders thereupon as he shall think just. Enforcement of Regulations and Byelaws.

30. In giving Judgment on any Application or Complaint under this Act the Sheriff or Justices may find the Person complained against liable in Expenses, and may decern for Payment of the same. Expenses may be decerned for.

31. All Penalties and Expenses incurred under this Act, or under any Byelaw or Regulation made under the Authority thereof, may be recovered by ordinary Action or in the Small Debt Court of the Sheriff. Recovery of Penalties and Expenses.

32. The Penalties incurred under this Act shall in all Prosecutions at the Instance of the Clerk of any District Board be payable to and recoverable by such Clerk, and shall in all other Cases be paid and applied in such Manner as the Sheriff or Justices may direct; and all Penalties and Expenses received by the Clerk, and the Proceeds of the Sale of any Articles seized and directed to be sold as before provided, shall be applied by the District Board towards defraying the Expenses incurred by them in carrying into execution the Provisions of this Act. Payment and Application of Penalties.

33. From and after the First Day of *January* One thousand eight hundred and sixty-five the Provisions of the said Act, intituled *An Act to amend the Laws relating to Fisheries of Salmon in* England, shall extend and apply to Salmon Fisheries in the Waters and on the Shores of the *Solway Firth* situate in *Scotland*, as the same may be fixed by Authority of this Act, and to the Rivers flowing into the same, in so far as such Provisions relate to the Use of fixed Engines for the taking of Salmon: Provided that all Offences against such Provisions shall be prosecuted and punished as directed by this Act. Certain Provisions of Act 24 & 25 Vict. c. 109. applied to Solway Firth.

34. No Part of this Act, with the Exception of the Tenth, Twelfth, and Twenty-seventh Clauses, shall apply to the River *Tweed*, or to any Fisheries in the said River or the Mouth or Entrance thereof, as defined by "The *Tweed* Fisheries Amendment Act, 1859;" and any Penalties incurred under the said Tenth, Twelfth, and Twenty seventh Clauses of this Act shall, so far as concerns the This Act not to apply to the River Tweed.

 River

River *Tweed*, be recoverable in manner prescribed by the *Tweed* Fisheries Amendment Act, 1857, which Act, and the *Tweed* Fisheries Amendment Act, 1859, shall remain in full Force and Effect, anything herein contained to the contrary notwithstanding.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XCVIII.

An Act for the Amendment of an Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and of an Act amending the last-mentioned Act.

[7th *August* 1862.]

WHEREAS by an Act of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and herein-after referred to as the Principal Act, divers Regulations are made with respect to the Manufacture and keeping of Gunpowder, 23 & 24 Vict. c. 139.

and

and with respect to the Manufacture of loaded Percussion Caps, and the Manufacture and keeping of Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: And whereas by the Twenty-fifth Section of the Principal Act Provisions are made with respect to the Issue of Warrants to search and with respect to searching for Gunpowder, and by the Twenty-seventh Section of the same Act special Powers are given to the Conservators of the River *Thames* of appointing Searchers for Gunpowder within their Jurisdiction: And whereas it is expedient to extend the said Sections to loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Sects. 25 & 27 of Principal Act to other Explosive Compositions.

1. The Twenty-fifth and Twenty-seventh Sections of the Principal Act shall be construed and applied as if the Word Gunpowder therein mentioned included loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature.

Divisional Magistrates of Police to exercise licensing Powers within the Dublin Police District.

2. Whereas by an Act for amending the Principal Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter One hundred and thirty, it is provided that all Powers of granting Licences by the Principal Act given to Justices of the Peace at their General Quarter Sessions shall be transferred to and vested in the Justices in Petty Sessions assembled: And whereas within the Police District of *Dublin* Metropolis the Powers usually exercised by Justices of the Peace in Petty Sessions are exercised by any Two or more Divisional Magistrates of Police; and it is expedient to amend the said Act of the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter One hundred and thirty, in manner herein-after mentioned: Be it enacted, That the Powers of licensing vested in manner aforesaid in the Justices in Petty Sessions assembled may, within the Police District of *Dublin* Metropolis, be exercised by any Two or more Divisional Magistrates of Police; and that it shall be lawful for the said Divisional Magistrates of Police, or any Two or more of them, with the Sanction of the Lord Lieutenant of *Ireland*, to regulate the Mode in which Applications for Licences under the said Act are to be made, and to make a Scale of Fees to be charged in respect of such Licences.

3. The

Gunpowder Act Amendment.

3. The Principal Act may be cited for all Purposes as "The Gunpowder Act, 1860," and this Act shall be construed as One with the Principal Act, and may be cited for all Purposes as "The Gunpowder Act Amendment Act, 1862." Short Title of Principal Act and this Act.

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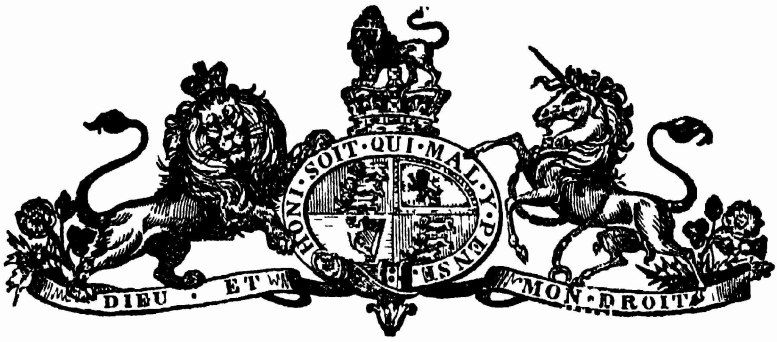

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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of King *William* the Fourth: And whereas at and previously to the Date of the passing of "The Bankruptcy Act, 1861," the Persons named in the Schedule hereto were holding Offices in the said Court for the Relief of Insolvent Debtors in *England*, and such Persons, together with other Officers of the said Court, were by the said Act transferred to the *London* Court of Bankruptcy: And whereas it is expedient that the said Bankruptcy Act, 1861, should be amended so far as relates to the Transfer of the Officers named in the said Schedule, and that their Offices should be forthwith abolished, and the Holders of such Offices become entitled to Superannuation Allowance accordingly: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Abolition of Offices of Persons named in Schedules.

1. The Offices of the several Persons named in the First and Second Schedules hereto shall be abolished from and after the respective Times herein specified; that is to say, those in the First Schedule from and after the passing of this Act, and those in the Second Schedule from and after such Time or Times as may be fixed by any General Order or Orders of the Lord Chancellor in that Behalf made; and the Holders of such Offices respectively shall thereupon become entitled to Superannuation or Compensation Allowance accordingly; provided that no new Officers or Persons shall be appointed for the temporary Discharge of the Duties of such several Persons respectively in the First Schedule mentioned, but, in case of Need, such Duties shall continue to be discharged by such several Persons respectively hitherto discharging the same, at the Rate of Remuneration heretofore received by them respectively; and during such Time they shall not receive any Superannuation or other Allowance or Compensation as for abolished Offices.

Grant of additional Allowance to Persons named in First Schedule.

2. Where the Amount of Remuneration in Salary or Fees, or both in Salary and Fees, received by any of the Persons named in the said First Schedule on account of any Offices held by them during the Period intervening between the Date of their being transferred in manner aforesaid to the Bankruptcy Court and the Date of the passing of this Act, is less than the Amount that they would have received in respect of Superannuation or Compensation Allowance if their Offices had been abolished at the Date of such Transfer, the Commissioners of the Treasury shall, out of Monies to be provided by Parliament for that Purpose, make up the Deficiency between the Amount actually received by them and the Amount they would have received if their Offices had been abolished in respect of such Superannuation Allowance as aforesaid.

3. For

Bankruptcy Act (1861) *Amendment.*

Calculation of Superannuation Allowance.

3. For the Purpose of calculating the Amount of Superannuation Allowance due to each of the Persons named in the said Schedules, the annual Emolument of such Person shall be deemed to have been the Sums set opposite his Name in the Second and Third Columns of the said Schedules, and such further Sums, if any, as the Commissioners of the Treasury may, if they think fit, add in respect of Lodging or other Allowances enjoyed by such Person at the Public Expense.

Prohibition of Judges of County Courts sitting in Parliament.

4. Whereas the said Bankruptcy Act, 1861, repeals the Eighteenth Section of the Act of the Session of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred and two, by which Section it was provided that no Judge of any County Court who had previously to the passing of the last-mentioned Act been or might thereafter be appointed to that Office under the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, should during his Continuance in such Office be capable of being elected or of sitting as a Member of the House of Commons: And whereas it is expedient that the Prohibition contained in such repealed Section should be renewed: Be it enacted, That no Person who has been or may hereafter be appointed a Judge of any County Court by virtue of the said Act of the Ninth and Tenth Years of Her present Majesty, Chapter Ninety-five, shall during his Continuance in the Office of Judge be capable of being elected or of sitting as a Member of the House of Commons.

FIRST

FIRST SCHEDULE.

THE NAMES of PERSONS formerly employed in the Insolvent Debtors Court, and for whom no Employment has been found since the Abolition of that Court.

NAME.	Date of Appointment.	Salary.	Average Fees for Seven Years.	TOTAL.
		£.	£ s. d.	£ s. d.
Yeo, R. W. (Order Clerk) - - - -	1840	100	225 15 0	325 15 0
Clark, G. (Registrar) - - - -	1831	150	599 14 1	749 14 1
Wiggins, Samuel (Broker) - - - -	1840	Nil	514 2 8	
Arrowsmith, J. (Ditto) - - -	1847	Nil	514 2 8	
Paterson, A. (Ditto) - - - -	1841	Nil	514 2 8	
Brown, G. (Service Messenger) - -	1851	Nil	195 4 7	
Michael, R. (Ditto) - - -	1854	Nil	210 11 6	
Chalkeley, J. B. (Ditto) - - -	1860	Nil	210 8 9	
Bull, R. (Service Messenger) - -	1856	Nil	199 19 3	
Hat, C. (Usher) - - - -	1858	80	Nil	
Walsh, Edward (Messenger) - -	1854	80	Nil	
Laurie, G. N. W. (Usher) - - -	1859	80	Nil	
Burden, J. W. (Assistant Book-keeper) -	1859	63	Nil	
Snellgrove, J. (Messenger) - - -	1847	80	Nil	
Lambert, Mrs. (Housekeeper) - - -	1816	50	Nil	
Bester, Mrs. (Ditto) - -	1844	40	Nil	
Snellgrove, Miss (Ditto) - - -	1850	50	Nil	
West, W. A. (Service Messenger) - -	1828	Nil	264 14 4	
Bacon, W. H. (Ditto) - - -	1831	Nil	240 8 10	
Powell, W. H. (Ditto) - -	1842	Nil	262 12 0	
Coe, J. H. (Ditto) - - -	1843	Nil	236 7 6	

SECOND SCHEDULE.

THE NAMES of PERSONS formerly employed in the Insolvent Debtors Court, and whom it is proposed to retain for the present in Portugal Street.

		£	£ s. d.	£ s. d
Lamb, Henry William - - - - -	1824	300	715 15 3	1,015 15 3
Ingpen, W. - - - - - -	1842	100	293 0 0	393 0 0
Notson, W. - - - - - ..	1847	130	70 0 0	200 0 0

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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might levy as Part of the Improvement Rate, or by a separate Rate under the Name and Designation of a Burial Rate, to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as should be from Time to Time necessary for the Purposes aforesaid or any of them: And whereas Doubts have arisen whether under such Provisions the Improvement Rate or Burial Rate can be legally mortgaged or assigned as a Security for the Payment of the Sums referred to in the said Act, and it is expedient that the Commissioners acting as such Burial Board should have the Power of mortgaging the said Rates: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners, with Consent of Treasury, may mortgage Improvement Rate and Burial Rate, or either.

1. Any Commissioners elected by the Ratepayers, and acting under or by virtue of the Powers of any Local Act of Parliament for the Improvement of any Town, Parish, or Borough, who shall have been constituted a Burial Board for any District, may, with the Approval of the Commissioners of Her Majesty's Treasury, from Time to Time borrow at Interest on Mortgage of the Improvement Rate and Burial Rate, or either of them, leviable within the District, such Sums of Money as may be required by the Burial Board for the Purposes of the Burial Act within the District.

Certain Provisions of 10 & 11 Vict. c. 16. to apply to this Act.

2. The Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall be applicable to all Mortgages created under the Provisions thereof.

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VICTORIÆ REGINÆ.

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CAP. CI.

An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof. [7th *August* 1862.]

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same:* And whereas an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in* Scotland: And whereas an Act was passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in* Scotland *to avail themselves of its Provisions for sanitary and other Improvements, without at the*

13 & 14 Vict. c. 33.

19 & 20 Vict. c. 103.

23 & 24 Vict. c. 96.

the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force: And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and also for lighting, cleansing, paving, draining, supplying Water to and otherwise improving the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of Acts.

1. The first and third recited Acts, and Sections Sixty to Seventy, both inclusive, of the second-recited Act, shall be and the same are hereby repealed, except only as regards any Burgh in which the Provisions of the said Acts or any Part thereof have, on or before the First Day of *August* One thousand eight hundred and sixty-two, been adopted, either in the Manner provided by the first-recited Act, or by the Incorporation of such Provisions or any Part thereof with any Local or Special Act relating to any such Burgh.

Short Title.

2. This Act may be cited for all Purposes as "The General Police and Improvement (*Scotland*) Act, 1862."

Interpretation of Terms.

3. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Royal Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, and also those Burghs enumerated in Schedule (F.) of the said Act:

The Expression "Parliamentary Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven:

The Word "Burgh," when used alone, shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, and Burgh of Regality and Barony, and contiguous Burghs of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained under the Provisions of the first-recited Act or of this Act:

The Expression "Parliamentary Boundaries" shall mean the Boundaries of Burghs as fixed by the Public General Act, Second and Third *William* the Fourth, Chapter Sixty-five:

The Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Burgh to which Magistrates and Councillors were provided by either of the said Acts, Third and Fourth

Fourth *William* the Fourth, Chapters Seventy-six and Seventy-seven, containing a Population of Seven hundred Inhabitants or upwards; and for the Purposes of this Act Two or more contiguous Towns, Villages, Places or Localities not being Burghs to which Magistrates and Councillors were provided as aforesaid, may be held to be a populous Place:

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Companies and Corporations:

The Word "Householder" shall mean a Male Occupier of Lands or Premises of the yearly Value of Ten Pounds or upwards, in all Burghs, except in populous Places containing less than One thousand Inhabitants, and in populous Places containing less than that Number of Inhabitants, it shall mean a Male Occupier of Lands or Premises of the yearly Value of Six Pounds or upwards:

The Word "Occupier" shall include Tenant, but shall not include a Lodger or a Person in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Person by whom such furnished House is so let:

The Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and, except as regards the fixing and extending the Boundaries of Burghs and populous Places, shall include Sheriff Substitute, and also Steward and Steward Substitute:

The Expression "the Commissioners" shall mean the Commissioners or Trustees for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted; and "Trustees of Police" shall include Trustees of any Town exercising the Functions of Police Commissioners under any Local Act:

The Words "Magistrates" or "Magistrates and Council" shall include the Lord Provost or Provost:

The Word "Magistrates," shall mean a Magistrate or Judge having Police Jurisdiction under this Act or under any Local or General Act in force:

The Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act:

The Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and the fixed or attached Machinery therein, Yards, Places, and other Heritages specified or included in the Act of the Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland:

The

The Word "Street" shall mean a public Street, and shall extend to and include any Road, Bridge, Quay, Lane, Square, Court, Alley, Close, Wynd, Vennel, Thoroughfare, and public Passage or other Place within the Burgh used either by Carts or Foot Passengers, not being a "private Street," and not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank:

The Expression "private Street" shall mean any Road, Street, or Place within the Burgh, (not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank,) used by Carts, and either accessible to the Public from a public Street, or forming a common Access to Lands and Premises separately occupied, and which has not been before the Adoption of this Act well and sufficiently paved and flagged by the Owners of Premises fronting or abutting on said Street, and which has not been maintained as a public Street:

The Word "Owner" shall include Joint Owner, Fiar, Liferenter, Feuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioner of such Persons, or any of them, or any other Person, who shall intromit with or draw the Rents:

The Expression "Private Improvement Assessment" shall mean any Assessment or Charge on any Person for private Improvement Expenses under this Act:

The Expression "District Assessment" shall mean any Assessment or Charge (other than a "Private Improvement Assessment") which is confined only to a Portion or District of any Burgh:

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine:

The Expression "Police Purposes" or "Police Provisions" of this Act, except when otherwise limited, shall mean and include the whole Act, excepting those Enactments under the Head with respect to the "Promotion of the Public Health":

The Word "Carriage," shall include any Coach, Omnibus, Chariot Fly, Car, Cabriolet, Gig, Brougham, Waggon, Timber Carriage, Dray, Truck, Hand-cart, Wheel-barrow, Hand-barrow, Lorry, or other Vehicle, used for the Conveyance of Goods or plying for Hire:

The Word "Broker" or "Brokers" shall extend to and include any Person or Persons dealing in second-hand Goods or Articles, or in Woollen Yarn or Waste, or in other unwrought Woollen Materials, or in old Metals, Bones, or Rags.

PART I.

ADOPTION OF THE ACT.

SECTION I.—*Boundaries of Burghs.*

Boundaries of Royal Burghs which send or contribute to send Members to Parliament.

4. The Boundaries of such Royal Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, or otherwise fixed by Law, unless it shall be resolved in adopting this Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries.

Boundaries of Parliamentary Burghs.

5. The Boundaries of such Parliamentary Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven, or otherwise fixed by Law.

Boundaries of other Burghs, how to be fixed.

6. The Boundaries of all other Royal Burghs, Burghs erected or incorporated by Act of Parliament, Burghs of Regality and of Barony, shall, for the Purposes of this Act, be fixed by the Sheriff as after provided; and on the Application of any Seven or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against as herein-after provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall, for the Purposes of this Act, be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal within Fourteen Days from the Date thereof from the said Deliverance of the Sheriff to One of Her Majesty's Principal Secretaries of State by a written Appeal setting forth the Grounds on which he disputes the Sheriff's

PART I. *Adoption of the Act.* Sect. 1.

Deliverance, and it shall be lawful for any of Her Majesty's Principal Secretaries of State upon such Appeal to direct Inquiry into the Circumstances of the Case, and to issue such Order thereupon as he may deem requisite to determine the Boundaries of such Burgh, and such Order shall be final, and when recorded along with the Appeal on which it proceeds in the Sheriff Court Books of such County shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of populous Places how to be fixed.

7. The Boundaries of any populous Place shall, for the Purposes of this Act, be fixed by the Sheriff, on the Application of any Seven or more Householders in such populous Place; and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any,) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded along with the Application on which it proceeds in the Sheriff Court Books of the County shall fix and determine the Boundaries of such populous Place for the Purposes of this Act: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State, in manner as is above provided in regard to the Boundaries of other Burghs, whose Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year, Boundaries to be held to be unascertained.

8. If at the Expiration of One Year from the Date of such Deliverance, in regard to any such Burgh or populous Place, this Act shall not have been adopted by such Burgh or populous Place, in whole or in part, the Boundaries of such Burgh or populous Place shall, for the Purposes of this Act, be held and taken to be still unascertained.

Power to rectify Errors committed by Sheriffs in defining Boundaries.

9. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or populous Place, under the Powers hereby or by the said recited Acts hereby repealed conferred, it shall be lawful for the Commissioners to bring the Matter under the Consideration of the Sheriff, who shall have Power to

PART I. *Adoption of the Act.* Sect. 1.

to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said Acts hereby repealed and this Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

Commissioners of Burghs, other than Royal and Parliamentary Burghs, may apply to Sheriff for Revision of Boundaries.

10. Upon the Application of the Commissioners of any Burgh, other than a Royal or Parliamentary Burgh, and after such Publication and Investigation as aforesaid, it shall be lawful for the Sheriff and he is hereby required, from Time to Time as Occasion shall require and he shall deem necessary, to revise and extend the Boundaries of such Burgh; and the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance on such Application, the revised and extended Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act in all Time thereafter, or until again revised and extended as hereby allowed: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by any Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State in manner herein-above provided, whose Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of Royal Burghs may be extended.

11. Where any Royal Burgh which has adopted this Act, in whole or in part, by a Resolution of the Magistrates and Council thereof, as herein-after provided for, is within or is in any Part within the Parliamentary Boundaries of such Burgh, the Magistrates and Council of such Royal Burgh may, by a Resolution of the Magistrates and Council assembled at a Meeting to be held for that Purpose, authorize and direct a Petition to be presented to the Sheriff of the County in which such Royal Burgh is situated, praying him to extend the Boundaries of such Royal Burgh to the Parliamentary Boundaries of such Burgh or to any Part thereof; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the Magistrates and Council are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

12. The

Householders beyond existing Boundaries of such Royal Burghs may oppose Extension.

12. The Sheriff shall, after the Presentation of the said Petition order Intimation thereof to be given by public Advertisement, in such Manner as he shall think proper; and it shall be competent for any Seven or more Householders who are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, to appear and object to the Prayer of the Petition; and the Sheriff shall have Power, in a summary Way, to dispose of such Objections, after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive.

Sheriff's Deliverance to be final.

13. If the Sheriff shall grant the Prayer of the Petition, he shall issue a Deliverance to that Effect on the Petition, and such Deliverance shall be final, and when recorded along with the Petition in the Sheriff Court Books of the County, the Parliamentary Boundaries aforesaid shall thereafter be the Boundaries of the Royal Burgh for all Municipal Purposes, and all Matters connected with Police, including the Right of voting for Town Councillors.

Application for Extension of Boundaries may be renewed.

14. If the Magistrates and Council of such Royal Burgh shall have resolved not to apply to the Sheriff, as above provided for, the Magistrates and Council may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings, resolve to apply to the Sheriff to extend the Boundaries as aforesaid; but in the event of the Sheriff having sustained the Objections to the Petition, which may have been presented to him in virtue of any Resolution to that Effect in Terms of this Act, it shall not be lawful to resolve to present another Petition for the Purpose of extending such Boundaries until after the Expiration of Two Years from and after the Date of the Rejection of the last Petition.

PART I.

SECTION II.—*Adoption of Act by Magistrates and Councils or Commissioners or Trustees of Police.*

Parties who may adopt this Act.

15. This Act may be adopted either in whole or in part; (that is to say,) in Parts, Sections, or Clauses,—

(1.) In Royal or Parliamentary Burghs, where there is no Board of Commissioners or Trustees of Police, under the Provisions of any General or Local Act of Parliament, other than the Magistrates and Council of such Burghs, by a Resolution of the Magistrates and Council of such Royal or Parliamentary Burghs, at a Meeting held for the Purpose:

(2.) In Royal or Parliamentary Burghs where there is such a Board of Commissioners or Trustees as aforesaid, by a Resolution

lution of the said Commissioners or Trustees at a Meeting held for the Purpose:

PART I. *Adoption of the Act.* Sect. 2.

(3.) In Burghs, not being Royal or Parliamentary Burghs, which have adopted, in whole or in part, the Provisions of the said Act Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, or which have Commissioners or Trustees of Police, under the Provisions of any Local Act of Parliament, by a special Order, as herein-after defined, of the Commissioners or Trustees of Police acting in and for such Burghs respectively:

But no such Resolution passed by any Magistrates and Council, or Commissioners or Trustees of Police, shall be valid, unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in the Manner in which Notices of Meetings of such Magistrates and Council or Commissioners or Trustees of Police respectively are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption: Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

Limits within which the Act shall apply when so adopted.

16. Where this Act is adopted in whole or in part, as above provided for, this Act, so far as adopted, shall apply as follows; viz.

If adopted by the Magistrates and Council of any Royal Burgh, to the whole Limits of such Royal Burgh, and to any additional Territory over which they as Commissioners of Police possess Jurisdiction, unless it shall be resolved in adopting the Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries:

If adopted by the Magistrates and Council of any Parliamentary Burgh, to the whole Limits of such Burgh:

If adopted by the Commissioners or Trustees of Police of or in any Burgh, to the whole Territory over which such Commissioners or Trustees possess Jurisdiction, as the same is established by any General or Local Act, or otherwise fixed by Law, which Commissioners or Trustees shall not levy Assessments nor in any way exercise Jurisdiction beyond the Limits of such Territory, and in such Case the Word "Burgh" in this Act shall apply only to such Territory, anything in this Act to the contrary notwithstanding.

Proceedings with reference to Adoption of Act may be renewed.

17. If the said Magistrates and Council or Commissioners or Trustees of Police shall have resolved not to adopt the Provisions of this Act, or having adopted it, in whole or in part, shall have limited its Operation to the Area within the Parliamentary Boundaries, the

PART I. *Adoption of the Act.* Sect. 2.

Magistrates and Council or the Commissioners or Trustees may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same, or determine to extend its Operation to the whole Area within the Parliamentary Boundaries thereof; and if at any Time Part of this Act shall have been adopted, it shall be lawful at any Time, by such and the like Proceedings, to adopt such Part thereof as may not have been formerly adopted.

Where this Act adopted, other Acts repealed.

18. If the said Magistrates and Council or Commissioners or Trustees of Police adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if they resolve to adopt this Act in part, such Resolution shall specify the Parts, Sections, or Clauses so adopted; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to, or as in any way modifies, affects, or controls, the Parts, Sections, or Clauses so adopted, to which Extent this Act shall be held to be as effective as if the whole had been adopted according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted.

Where Act partially adopted, the Commissioners may adopt the Portion not previously adopted.

19. Where any Burgh, other than those above provided for, has adopted in part the Provisions of this Act, it shall be lawful to the Commissioners appointed and acting under this Act in any such Burgh at any Time to adopt such Part of this Act as may not have been formerly adopted by a Resolution of the said Commissioners assembled at a Meeting to be held for that Purpose; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the said Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

Proceedings to be reported to Sheriff.

20. All such Resolutions in reference to the Adoption of this Act, in whole or part, as above provided for, shall forthwith be reported to the Sheriff, and he shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers or Provisions thereof (in so far as such Resolution

Resolution shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh as aforesaid in manner therein set forth, and shall forthwith cause such Resolution and Deliverance to be recorded in the Sheriff Court Books of the County and in the Books of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

PART I. *Adoption of the Act.* Sect. 2.

21. When this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said recited Acts hereby repealed, or in any Burgh which had previously possessed a Local Act or Acts, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and Obligations incurred, and all Assessments imposed or to be imposed under and by virtue of such recited Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor, or any special Interest provided for, under such recited Acts or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such Acts shall continue to exercise their Offices until they are respectively superseded, or legally removed therefrom under the Authority of this Act.

Contracts, &c. under former Acts to be saved.

22. Notwithstanding anything in this Act in the contrary implied or expressed, and whether this Clause be adopted by any Burgh or not, it is hereby enacted, That in all Cases where the Management of the Police Affairs of any Burgh is transferred from any existing Commissioners of Police, or other Persons, to the Magistrates and Council of such Burgh, or to Commissioners elected under this Act, the whole Lands, Heritages, Assessments, Claims, Demands, and Effects of every Kind belonging to or vested in the Commissioners of Police, or other Persons, from whom such Management is so transferred, or in any Person on their Behalf, and all Powers, Rights, and Privileges conferred on or vested in such Commissioners of Police, or other Persons, by any Act of Parliament, in so far as not inconsistent with the Provisions of this Act, shall be and are hereby transferred to and vested in the Magistrates and Council or Commissioners to whom such Management is so transferred, who shall be liable for the whole Debts and Obligations of the Commissioners of Police, or other Persons from whom such Management is transferred; and in all Cases where this Act shall be adopted in whole or in part, such Adoption shall not free or relieve the Magistrates

Property vested in Commissioners under this Act.

PART I. *Adoption of the Act.* Sect. 2.

Magistrates and Council or Commissioners of Police of any Burgh from any Obligations incumbent on them at the Date of such Adoption; and all such Obligations, together with the Powers of Assessment and other Faculties therewith connected, shall remain in full Force as if this Act had not been adopted.

PART I.

SECTION III.—*Adoption of Act by Householders.*

Burghs may convene a Meeting of Householders to consider of the Adoption of this Act.

23. It shall be lawful for any Seven or more Householders in any Burgh to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh for the Purpose of considering whether the Provisions of this Act, or any Part of the same, shall be adopted and carried into execution within such Burgh: Provided always, that previously to such Requisition being entertained by such Magistrate or Sheriff the Boundaries of such Burgh, where required to be ascertained for the Purposes of this Act, shall have been ascertained in manner herein provided.

Boundaries of Burgh to be ascertained previously.

Return of the Population and Lists of Householders to be made out.

24. Such Magistrate or Sheriff shall, upon receiving such Requisition for convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter (except where previously made out and furnished as directed by this Act), a Return showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors under the Acts in force for the Valuation of Lands and Heritages in *Scotland* within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify, on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein.

Mode of calling First Meeting.

25. On Receipt of such Requisition, such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint

appoint a Clerk thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides a deliberative Vote, have a casting or decisive Vote.

PART I. *Adoption of the Act.* Sect. 3.

26. Such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid, and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by any Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Meetings to be intimated by posting Handbills, &c.

27. At such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Lands or Premises of the yearly Value required for the Qualification of a Householder as before defined, or of greater Value, so as to afford more than One such Qualification, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and be entitled to vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each such Qualification afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided at such Meeting by such Magistrate or Sheriff, whose Determination shall be final.

Qualification of Voters.

28. Such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed, and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such First Meeting.

Power of Meeting to adopt this Act, or to decline to adopt it.

29. Such Magistrate or Sheriff shall ascertain the Determination of such Meetings by a Show of Hands, or in such other Manner as shall

Presses to declare the Determina-

tion of the Meeting.

shall appear to him expedient, and shall declare the same, which Declaration shall be final, unless a Poll shall be then demanded in Writing by any Seven Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

30. When such Poll shall be demanded as aforesaid, such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Date of such Demand in Writing, exclusive of *Sundays*, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day.

31. No Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon.

Poll Books to be provided.

32. Such Magistrate or Sheriff shall, either in Person or by a legal Substitute or Substitutes, who he is hereby authorized to appoint when necessary, preside at the Poll, and shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes: Provided always, that such Substitute or Substitutes shall possess the Qualifications required for the Assessor and Substitute under the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six.

State of Poll to be ascertained and declared.

33. As soon after the Close of the Poll as may be, the Persons who shall have presided thereat shall seal up and transmit the Poll Books to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day after the Polling Day; and such Declaration shall be final, unless any Householder present at such adjourned Meeting shall then and there demand a Scrutiny, and on such Householder finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, to be held on a Day not later than the Third Day from the Meeting held immediately after the Day of Polling, and the Result of such Scrutiny as declared by such Magistrate or Sheriff shall be final, and the Person demanding such Scrutiny shall be liable in the Expense thereof.

34. Any

34. Any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

Majority necessary to adopt this Act, in whole or in part.

35. If such Resolution shall be to adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if such Resolution shall be to adopt this Act only in part, the Parts, Sections, or Clauses so adopted shall be specified in the Minutes of such Meeting; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to the Parts, Sections, or Clauses so adopted, according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted: Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

Provision if Act adopted in whole or in part only.

36. Where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and the Householders thereof present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Further Proceedings on Act being adopted.

37. The Minutes and Resolutions of and whole Documents laid before such Meetings shall be transmitted by the Clerk to the Sheriff within Forty-eight Hours after the Close of the Proceedings and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Deliverance to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Proceedings to be reported to the Sheriff.

38. Where

If Act not adopted, Proposal may be reconsidered after One Year.

38. Where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, as often as they shall think proper, thereafter, but not sooner than One Year from the Date of any preceding Meeting held for the Purpose of considering whether the Act should be adopted, in whole or in part, by such and the like Proceedings, again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same.

Expenses attending the calling First Meeting, &c. how to be borne.

39. If the Provisions of this Act shall be adopted, in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Police Assessment herein-after provided; but in case the Provisions of this Act shall not be adopted, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party who shall have disbursed such Expenses is hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

PART I.

Section IV.—*Commissioners for the Purposes of this Act in Royal and Parliamentary Burghs, Burghs erected or incorporated by Act of Parliament, and Burghs of Regality and Barony.*

In certain Royal and Parliamentary Burghs Magistrates and Councils shall be Commissioners for executing this Act.

40. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh, the Magistrates and Council of such Burgh for the Time being shall, under the Exception after mentioned, be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act, and the Magistrates of such Burgh shall be the Magistrates of Police thereof; and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall have all the Powers, Privileges, and Jurisdictions of Commis-

Commissioners and Magistrates of Police respectively under this Act which are by this Act conferred on Commissioners and Magistrates of Police respectively.

PART I. *Adoption of the Act.* Sect. 4.

41. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall, under the Exception after provided for, be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh shall always for the Time being be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh; and in that Case only such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act; but in the event of no such Determination being come to by the Householders as aforesaid, Commissioners and Magistrates of Police shall be elected for such Burgh in manner herein provided.

In Burghs of Regality or Barony having Magistrates and Councils, the Householders may vest such Magistrates and Councils with the Office of Commissioners.

42. Where the Powers and Provisions of this Act shall be adopted, in part, in any Burgh having Commissioners or Trustees of Police under the Provisions of any Local Act of Parliament, or of the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, such Commissioners or Trustees shall be the Commissioners for carrying such Part of this Act into operation, and such Acts shall continue in force in regard to such Commissioners as if this Act had not been so adopted, and no special Election of Commissioners of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall continue the Magistrates of Police thereof, the same as if no such Adoption of this Act had taken place, and accordingly no special Election of Magistrates of Police shall take place under this Act; and the said Magistrates as Magistrates of Police, and the said Commissioners or Trustees of Police under such Acts as Commissioners of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates

Commissioners in certain Burghs Acts to continue, and the Magistrates of Burghs not to be affected by Adoption of this Act.

PART I. *Adoption of the Act.* Sect. 4.

trates of Police respectively: Provided always, that nothing herein contained shall prejudice the Right of the Magistrates and Council of any Royal or Parliamentary Burgh at any Time to make Application to unite the Municipal and Police Government of such Royal or Parliamentary Burgh in manner herein-after provided.

Power to grant certain Exemptions.

43. It shall be lawful for any Burgh, having adopted this Act, in whole or part, either in the Resolution so adopting this Act, or by any subsequent Resolution of the Magistrates and Council, or Commissioners, as the Case may be, at a Meeting held for the Purpose, to exempt for a Time any Places, Grounds, and Houses in the suburban Part or Parts of the Burgh from all or any of the Provisions of this Act so adopted; which Places, Grounds, and Houses, if so exempted from all such Provisions, shall during the Continuance of such Exemptions be free from Payment of any of the Assessments for such Purposes by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the said Provisions or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessments as shall be fixed and determined by the Magistrates and Council, or Commissioners; and it shall be lawful for the Magistrates and Council, or Commissioners, by a like Resolution, from Time to Time to extend the Period of such Exemptions: Provided always, that such Exemption shall only be made upon the Application or with the Consent of the Owners or Occupiers of the Lands and Premises situated within such Part or Parts of the Burgh so to be exempted, the Rent or Value of which shall amount to Two Thirds of the Rents or Value of the whole Lands and Premises therein, but not otherwise; and it shall be lawful for any Person who thinks himself aggrieved thereby to appeal to the Sheriff in manner after provided.

PART I.

Commissioners.

SECTION V.—*Elected Commissioners in other Burghs.*

Number of Commissioners.

44. In Burghs where Commissioners shall be elected as herein provided for the Purposes of executing this Act, they shall not exceed Twelve in Number; but the Number may be less than Twelve and not less than Six, as may be determined on in manner hereinbefore provided.

If Burgh divided into Wards.

45. Where the Burgh shall be divided into Wards as aforesaid, the Number of Wards and the Number of Commissioners to be elected shall be so settled and adjusted that there shall be Three Commissioners for each Ward.

46. As

46. As soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to any Burgh adopting the same, and for which Commissioners fall to be elected under this Act, the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise, the Sheriff, shall convene a Meeting of the Householders of the Burgh in the Town Hall or other convenient Place within the Burgh, for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners shall be elected by such Meeting, of which Meeting such Magistrate or Sheriff shall be Preses, or, if the Burgh shall be divided into Wards, such Magistrate or Sheriff shall convene a Meeting of the Householders in each Ward, at some convenient Place in the Ward to be specified in the Notice to be given of such Meeting for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners for each Ward shall be elected by the Meeting in such Ward, and the Householders present at such Ward Meeting shall elect the Preses of such Meeting; and all Meetings for electing Commissioners shall be summoned in the same Manner and at the same Distance of Time as is provided for the First Meeting to be held with respect to the Adoption of this Act.

Meeting for Election of Commissioners to be convened.

47. Such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed and seconded by any Householders within the Burgh, or if such Burgh shall have been divided into Wards, then by any Householders within the Ward for which the Election is to take place; and the Preses of the Meeting shall ascertain and declare the Resolution thereof in manner herein-before provided in regard to Meetings held with respect to the Adoption of this Act; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing by any Seven Householders present at such Meeting, such Magistrate or Sheriff shall open and proceed with such Poll in the Manner herein-before provided in regard to Polls with respect to the Adoption of this Act, and shall provide Poll Books in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Books; and such Magistrate or Sheriff shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Police Assessment levied under the Authority of this Act.

Election of Commissioners.

48. The Commissioners elected under this Act shall, at Twelve of the Clock Noon on the First *Monday* after the First and each annual Election, hold their First General Meeting in the Town Hall

First Meeting of Commissioners.

or

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or other convenient Place within the Burgh, with Power to adjourn to any other Day or Place which they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some other Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act shall thereafter be liable to be challenged, and no such Election or Appointment shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until upon a Scrutiny his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, although from any Cause the full Number of Commissioners may not be filled up.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

49. The Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Votes, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

One Third of Commissioners to be elected annually.

50. One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, shall go annually out of Office on the same Day of the Month as that on which the Commissioners were elected into Office, or on the next lawful Day thereafter in each Year, and on the same Day of the Month, or the next lawful Day annually, the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Election, and the like Notice of such annual Election shall be given as is herein-before directed to be given of such First Election of Commissioners.

First and Second annual Elections.

51. The Third of the Commissioners who shall go out of Office at the Expiration of the First Year after the First Election under this Act shall consist of the Commissioners who at said First Election had the smallest Number of Votes, and where the Burgh is divided into Wards, of the Commissioners who at said First Election in each Ward had the smallest Number of Votes; and the Commissioners who shall

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shall go out of Office at the Expiration of the Second Year after said First Election shall consist of the Commissioners who had the next smallest Number of Votes at the said First Election, or where the Burgh is divided into Wards, of the Commissioners in each Ward who at said First Election had the next smallest Number of Votes in each Ward; and thereafter the Third of the Commissioners who shall annually go out of Office shall consist of the Commissioners who have been longest in Office: Provided always, that in any Case where there shall have been an Equality of Votes the other Commissioners remaining in Office shall decide, at a Meeting convened for the Purpose, which Commissioner having an Equality of Votes shall go out of Office; provided also, that the Senior Magistrate of Police shall always remain in Office for Three Years, and for that Purpose he shall be held to have had the largest Number of Votes at the said First Election, and to have been the shortest Period in Office at all Elections subsequent to the Third Election under this Act.

Commissioners failing to accept.

52. If any Person elected as a Commissioner shall fail to attend the Meeting hereby appointed to be held on the First Monday after the First and each annual Election of Commissioners he shall be held to have declined the Office of Commissioner, unless he transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Outgoing Commissioners may be re-elected.

53. Any Magistrate of Police or Commissioner may resign his Office at any Time, on giving Three Weeks Notice of such his Intention in Writing to the Clerk, and any out-going Commissioner may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment under this Act shall at the Time of the Election be owing, and shall have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Vacancies in the Magistrates of Police, how to be supplied.

54. Where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take

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take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Preses of the Meeting, to be chosen by the Meeting, shall have a double or casting Vote, in case of Equality: Provided always, that Magistrates of Police shall at all Times be capable of being re-elected.

Interim Vacancies how to be supplied.

55. In case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to accept, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward in which the Vacancy shall have occurred; and in the event of a Resignation being intimated, so as to take effect at the Period of the annual Election of Commissioners, the Vacancy so caused shall be supplied by the Householders, or if the Burgh is divided into Wards, by the Householders of the Ward in which the Vacancy shall have occurred, by Election at the said Period of Election.

If Electors refuse to elect, Commissioners previously in Office may.

56. If the Householders shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners, it shall be lawful for the Commissioners who held Office at the Time when such Election should have taken place to supply the Deficiency, by such and the like Proceedings as are provided for in the Case of interim Vacancies.

Commissioners not to hold Places of Profit under this Act.

57. No Commissioner shall directly or indirectly derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof, nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

PART I.

SECTION VI.—*Meetings of Commissioners.*

Commissioners to be summoned to attend Meetings.

58. All the Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the first Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed Summonses issued by

by their Clerk at least Twenty-four Hours before the Time of Meeting; and the Chief or Senior Magistrate present, or in Absence of any Magistrate such One of the Commissioners as shall be chosen by the Meeting, shall preside; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

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Quorum.

59. Meetings of the Commissioners shall be held in such Places as they shall appoint within the Burgh upon the Second *Monday* of the Months of *January*, *April*, *July*, and *October* in each Year, at Twelve of the Clock Noon, or at such other Hour as the Commissioners may fix.

Statutory Meetings of Commissioners.

60. The Clerk to the Commissioners, on Requisition being made to him, stating in Writing the Object of the intended Meeting, and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings, by printed or written Summonses containing a Copy of such Requisition or stating the Purpose thereof.

Special Meetings may be called, on Requisition.

61. No Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Special Meetings not to annul Rules made at Statutory Meetings.

62. The Commissioners may adjourn to any other Day, Hour, and Place within the Burgh.

Meetings may be adjourned.

63. The Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committees shall be entitled to a deliberative, and in case of Equality a casting Vote, and to convene the Members by Notices in the Way he shall think most convenient.

Power to appoint Committees.

PART I.

SECTION VII.—*Powers and Duties of Commissioners.*

64. The Commissioners shall, in such Manner as to them shall seem best for the Police Purposes of this Act, estimate, assess, levy, and

Powers and Duties of Commissioners.

PART I. *Adoption of the Act.* Sect. 7.

and apply the Sums of Money hereby authorized to be raised for the Police Purposes of this Act, and shall have Power to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, Inspectors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons, at pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, Regulations, and Byelaws, except as otherwise herein provided, relative to the watching, lighting with Gas or otherwise, paving, cleansing the Streets, whether public or private, cleansing and lighting of common Stairs or Passages or private Courts, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, which Penalties shall not exceed in any Case the Sum of Forty Shillings, except as otherwise herein provided, and to execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained.

Commissioners may contract for Execution of Works.

65. The Commissioners, or any Committee of their Body thereunto specially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in name of the Meeting at which such Agreement or Contract shall be made.

Property vested in Commissioners.

66. The Monies arising from the Assessments hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Clerk to be appointed.

67. The Commissioners shall appoint a Clerk for keeping the Records of the Proceedings of the Commissioners and their Committees, which Records shall contain accurate Minutes of the Proceedings and Orders of the Commissioners and their Committees, and, being signed by the Preses of each respective Meeting, or any Copy

Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever, in any Case or Matters concerning this Act.

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Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

68. No Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence under this Act committed within the Limits of the Burgh, as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and also from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

69. The Commissioners shall in like Manner elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

70. The Commissioners may allow reasonable Salaries to the Clerk and Treasurer; and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

71. Such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in One of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

72. In

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

72. In case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be chargeable against, and form a Burden upon the next annual Assessment.

Treasurer and Collector may be the same Person, but Clerk and Treasurer not to be the same Person.

73. It shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties of this Act imposed may be sued for and recovered.

Actions by or against Commissioners, how to be brought, and not to abate.

74. Except as herein-after specially provided, all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk for the Time being as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk shall cease or abate by the Death, Resignation, or Removal of any such Clerk, or by any Change in the Persons holding Office as Commissioners, but the Clerk to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

75. Accounts

75. Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, shall be kept in Books by the Treasurer or Collector, as the Commissioners may appoint; and all such Books of Accounts may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any such Books and Accounts, without Fee or Reward; and any Person in whose Custody or Power any such Books and Accounts are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Books of Accounts to be kept by Commissioners.

76. The Commissioners shall yearly, and previous to their statutory Meeting in the Month of *July* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act for the Year ending on the Fifteenth Day of *May* immediately preceding such statutory Meeting, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited, as herein-after provided, shall be laid before such statutory Meeting, and shall be signed by the Preses of said Meeting and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause an Abstract thereof to be printed, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed.

77. The Commissioners shall annually appoint a professional Auditor for the Purpose of auditing the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts are audited by him, become vacant by Death or from any other Cause, the Commissioners shall from Time to Time appoint an Auditor to supply such Vacancy.

Auditor to be appointed by the Commissioners.

78. The Commissioners shall deliver to such Auditor, within One Month after the said Fifteenth Day of *May* annually, all the Accounts,

Auditor's Report.

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Accounts, together with their Books and Vouchers; and it shall be the Duty of such Auditor to audit such Accounts, and either make a special Report thereon, or simply confirm the same; and such Report or Confirmation shall be read with the Account at such Meeting; and if any Dispute arise as to the Amount of Remuneration to be paid to such Auditor, it shall be settled by the Sheriff, whose Decision shall be final.

PART I.

SECTION VIII.—*Orders in Council.*

Power to apply to Privy Council in certain Cases.

79. Whenever it appears desirable to the Magistrates and Council or Commissioners of Police of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh or populous Place, that Provision should be made in order the better to apply and execute therein the Provisions of this Act, in whole or part, or for the future Application and Execution of any Acts in force therein having Relation to the Purposes of this Act, or to the Roads or Streets within such Burgh or populous Place, or to any other Matter or Thing connected with the Management and Administration of the Municipal or Police Affairs of such Burgh or populous Place, or that any such Acts, or any Exemptions from rating therefrom derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered:

Or whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh where there is a Board of Commissioners of Police separate from such Magistrates and Council to unite the Municipal and Police Government and Jurisdiction of any such Royal or Parliamentary Burgh in the Magistrates and Council thereof, to transfer to them all the Powers and Jurisdictions of Police, Paving, Lighting, Watching, and others, granted to the Commissioners of Police by any Local Acts, and to extend such Jurisdictions over the whole Limits of such Burgh:

Or whenever it appears desirable to the Magistrates and Councils, or the Commissioners of Police of contiguous Burghs, that Provision should be made for executing any great Conduits or Main Sewers, or any other Drainage Works necessary for the more effectually draining of such contiguous Burghs:

(1.) The Magistrates and Council, or the Commissioners of any Burgh, or the Magistrates and Councils, or Commissioners, of contiguous Burghs, as the Case may be, may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

(2.) Upon

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(2.) Upon the Receipt of any such Petition, Inquiry may be directed by such Secretary of State in the District in respect to the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry; and, if requisite, the Sheriff shall proceed to the District to make the Inquiry:

(3.) The Sheriff shall, for the Purposes of the Inquiry, have Power to call for such Information from the Magistrates and Councils or Commissioners of Police as he may consider necessary, and to do all such Matters and Things as may be expedient for the Purposes of the Inquiry:

(4.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order, under his Hand and Seal of Office, in relation to the several Things mentioned in the said Petition, either in accordance with the Prayer thereof, or with such Modifications or Alterations as may appear to him to be requisite.

Provision where Mortality exceeds certain Proportions.

80. Where it shall appear, from the Returns made up by the Registrar General of Births, Deaths, and Marriages, from the Deaths registered in a Period of not less than Five Years, that the Number of Deaths annually in any Burgh or populous Place, as defined in this Act, has on an Average exceeded the Proportion of Twenty to a Thousand in a Population of One thousand, Twenty-three to a Thousand in a Population of Five thousand, Twenty-five to a Thousand in a Population of Twenty thousand, or Twenty-nine to a Thousand in a Population of Three hundred thousand and upwards, of the Population of such Burgh or populous Place, the Lords of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, if and when they shall think fit, direct the Sheriff to visit such Burgh or populous Place, and to make public Inquiry, and to examine Witnesses as to the Sewage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Acts of Parliament in force within such Burgh or populous Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, also as to the natural Drainage Areas, and the existing Municipal, Parochial, or other Local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Lords of Her Majesty's Privy Council may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty or making an Order in Council as herein-after mentioned.

 81. Before

Procedure thereanent

81. Before proceeding upon such Inquiry, the said Sheriff shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him, upon the Subject of such Inquiry, by Advertisement in some One or more of the Newspapers usually circulated in the Parts to which the Inquiry shall relate, and in such other Manner as may appear to the said Sheriff to be necessary; and if upon such Report it appear to the said Lords of Her Majesty's Privy Council to be expedient that this Act or any Part thereof should be applied to the Burgh or populous Place, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to make an Order in Council, under their Hands and Seal of Office, that this Act or any Part thereof shall be applied to and put in full Force and Operation within such Burgh or populous Place; and if such Order relates to any populous Place, they shall in the said Order mark out, define, and specify the Boundaries of such populous Place, for the Purposes of this Act, and declare that such Place is a populous Place, in Terms of this Act, and otherwise make such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any Local Acts within Burghs possessing such, and the Repeal, Alteration, or future Execution of the same, as they may think necessary, under all the Circumstances of the Case, and such Order shall be recorded in the Sheriff Court Books of the County, and also published in such Manner as the said Lords of Her Majesty's Privy Council may direct.

Orders in Council to be confirmed by Parliament.

82. No such Order in Council or Provisional Order hereby authorized to be made shall be of any Validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the said Lords of Her Majesty's Privy Council, or for any One of Her Majesty's Principal Secretaries of State, as soon as conveniently may be, to obtain such Confirmation, and the Acts confirming such Order in Council or Provisional Order shall be deemed to be Public Acts of Parliament.

Costs how to be borne.

83. All Costs, Charges, and Expenses incurred by the said Lords of Her Majesty's Privy Council or Secretary of State in relation to such Orders in Council or Provisional Orders shall, to such Extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Police Assessment, and be repaid to the said Commissioners of Her Majesty's Treasury, together with Interest after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from the Date of the Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART

PART II.

ASSESSMENTS.

SECTION I.—*Assessments for Police Purposes.*

Commissioners to make Police Assessment.

84. Once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Lands or Premises within the Burgh, according to the Valuation Roll made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in *Scotland*, subject to the Exceptions herein-after provided, in the Sums necessary to be levied for the Police Purposes of this Act, in so far as the same may have been adopted, and for the Purposes to which the Police Assessment authorized by any Act in force in such Burgh at the Time of such Adoption might have been applied, and shall fix a Day on which the same shall be payable, and the Rate of Assessment and Day so fixed by the Commissioners shall be published by Hand-bills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated: Provided always, that such Assessment shall be imposed as from the Fifteenth Day of *May* in any One Year to the Fifteenth Day of *May* in the following Year, and shall not in any Year exceed a Rate equal to Two Shillings and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where the Enactments of this Act with respect to Water have been adopted, or a Rate equal to One Shilling and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where such Enactments with respect to Water have not been adopted; and such Assessment shall for the Purposes of this Act be called the Police Assessment: Provided further, when in any Burgh, under the Provisions of any Police Act, a higher Rate of Assessment is now and has been in use to be levied upon Lands and Tenements above a certain fixed Rent than upon lower rented Lands and Tenements, it shall be in the Power of the Commissioners, in laying on the Assessment under this Act, to continue the same relative Rates of Assessment, if they think proper.

Payment of Damages occasioned by Mobs.

85. Out of the Police Assessment authorized by this or by any General or Local Act in force within the Burgh it shall be lawful to the Commissioners to defray to such Extent as they think proper, such Claims for Damages sustained in consequence of any Riot or Tumult within the Burgh as may be established to their Satisfaction, or, if the Commissioners think proper, they may at any Time impose and levy a special Assessment on all Occupiers of Lands or Premises

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Premises within the Burgh, according to the said Valuation Roll, for the Sums estimated by them to be necessary for the Purpose of paying such Damages; and such special Assessment being so imposed and levied, the Commissioners shall out of the Proceeds thereof discharge such Claims, the same being established to their Satisfaction.

Provision for Assessment for Period less than One Year.

86. Where in any Burgh an Assessment for Police Purposes has been imposed previous to the Adoption of this Act, and is leviable for a Period ending on a Day prior to the Fifteenth Day of *May* immediately following such Adoption, it shall be lawful to the Commissioners under this Act to impose and levy a Proportion of the Police Assessment hereby authorized, corresponding to the Time intervening between the Date when such Period ended, and the said Fifteenth Day of *May*.

Commissioners to levy Assessments from Owners of Premises under 4*l*.

87. The Commissioners shall assess the Owners in place of the Occupiers of all Lands or Premises let at a Rent under Four Pounds, and levy such Assessment from such Owners; but the Commissioners shall allow to such Owners a Deduction from such Assessment equal to One Fourth of the Amount thereof; and such Assessments shall be recoverable from such Owners, along with any Penalty which may have become exigible thereon, in the same way as is herein provided with respect to the Recovery thereof from Occupiers.

Commissioners may grant Relief from Police Assessment in case of Poverty.

88. The Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Occupiers to pay Police Assessment.

89. The Assessments herein-before authorized to be imposed shall be levied from the Occupiers of Lands or Premises, but Deduction shall be allowed by the Commissioners of the Assessment for any Period during which any Lands or Premises shall not be let or occupied for Three Months consecutively in any One Year, and Owners who shall let for Rent or Hire Lands or Premises for less than a Year shall themselves, as well as the Occupiers, be responsible for the said Assessment applicable to any Period less than a Year, and the same may be recovered from such Owners or from such Occupiers as the Commissioners shall judge expedient.

Arable Land, &c. how to be valued.

90. The annual Value of the following Lands or Premises shall for the Assessments under this Act, whether the Enactments with respect

respect to Water have been adopted or not, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the said Valuation Roll; viz.

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, and Buildings, which shall be assessable to the same Extent as other Lands and Premises within the Burgh:
2. All the underground Gas and Water Pipes, or underground Works of any Gas or Water Company:
3. All Woodland, Arable, Meadow, or Pasture Ground, or other Ground used for Agricultural Purposes:

And where the Enactments with regard to Water have been adopted, the annual Value of all Mines, Minerals, Quarries, and Manufactories within the Burgh shall as regards the Police Assessment, as far as it is applicable to Water, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll; without Prejudice, however, to the Commissioners entering into Agreements for the Supply of Water to such Lands and Premises in manner herein-after provided; and in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared, for the Time being, liable to Assessment upon the said Proportion of their Value only; and the Sheriff shall thereupon order the Petition to be served on the Commissioners, upon a short Induciæ, and after hearing Parties, and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right.

Police Assessment Roll to be made up.

91. The Commissioners shall annually cause to be made up a Roll or Book of Assessment from the Valuation Roll aforesaid, showing the yearly Rent or Value of the Lands or Premises in the Burgh liable to be assessed under this Act for the Assessments herein authorized to be levied, and according to which such Assessments under this Act are intended to be levied; and in such Roll or Book of Assessment there shall in no Case be entered any fractional Part of a Pound of the assessable yearly Rent or Value aforesaid; and when such fractional Part shall not amount to Ten Shillings, the Sum shall not be entered at all in such yearly Rent or Value; and when such fractional Part shall amount to or exceed Ten Shillings, the Sum shall be entered as One Pound of such yearly Rent or Value; in addition to the actual Number of Pounds of such Rent or Value, and shall be assessed accordingly; and such Roll

 or

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or Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Collector or other Officer appointed by the Commissioners for that Purpose, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for Payment thereof; and the Commissioners shall have Power to rectify any Error which may be found in such Roll or Book.

Recovery of Rates.

92. If any Person assessed under this Act shall refuse or neglect to pay any Assessment herein-before authorized to be levied, or any Portion thereof, on or before the Expiry of Three Months after such Assessment is declared payable, the Collector may make an Attestation in Writing setting forth that the said Person has failed to pay such Assessment, or any Portion thereof, notwithstanding the same has been demanded from him by the said Collector by a printed Notice delivered to or left for him on the Premises in respect of which such Assessment is made, and such Attestation being made it shall be lawful for the Collector to make Application to the Sheriff, or to any One of the Magistrates of Police, or other Magistrates of the Burgh, who, upon such Application, and Production therewith of such Attestation, shall grant summary Warrant for Recovery of the said Assessment, or the Portion thereof remaining unpaid, and One Penny upon each Pound of the Rental of the Lands or Premises in respect of which such Person is assessed in addition, in Name of Penalty, which Attestation, Application, and Warrant shall be in the Form, as near as may be, contained in Schedule (D.) hereunto annexed: Provided always, that nothing herein contained shall prejudice the Right of the Collector, at any Time after the said Assessment shall be payable, to prosecute, as he is hereby empowered to prosecute for, and recover all or any Part of such Assessment in arrear, before the Sheriff's Small Debt Court, or by any other legal Form of Proceeding; and the Collector shall be bound to preserve the Warrants of all Seizures or Sales made under and in virtue hereof, and shall enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to such Sheriff or Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Sheriff or Magistrate shall be final.

93. No

93. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of such Assessments, or any other Assessment, Rate, Charge, or Expenses under this Act, shall prejudice the Recovery thereof, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment, Rate, Charge, or Expense under this Act, by reason of any Misnomer, Mistake, or Informality, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment thereof under the Provisions of this Act.

Misnomers, &c. not to affect Proceedings for Recovery of Assessments.

94. In case any Person liable in Payment of the Assessments herein-before authorized to be levied, shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before mentioned into execution within or beyond the Burgh, in the same Manner as if such Person had continued to reside within the Burgh, such Decrees or Warrants being first endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are to be put into execution.

Assessments to be recoverable beyond Burgh.

95. When the Provisions of this Act, or any Part thereof, shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there may be annually contributed therefrom such a reasonable Proportion towards the Police Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided that nothing herein contained shall prejudice the Rights of the Creditors of any Burgh secured by Local Acts of Parliament or otherwise; and further, that the Adoption of this Act, in whole or in part, shall not relieve the Common Good of any Burgh from Payment of any Sum which such Burgh is bound by any Local Act to contribute towards the Police Expenses of the Burgh.

Common Good may contribute towards the Purposes of this Act.

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PART II.

Section II.—*Assessments for Sewers, Foot Pavements, and General and Private Improvements.*

(1.) *Sewers.*

Where new Sewers are made, Commissioners may impose a Special Sewer Rate.

96. Whenever the Commissioners shall resolve to make any new Sewer, they may charge the Owners of all the Lands or Premises liable to contribute to the Rates for making the same with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Commissioners may impose a General Sewer Rate distinct from other Rates.

97. The Commissioners shall, if necessary, impose a Sewer Rate, to be called for the Purposes of this Act the "General Sewer Rate," distinct from any other Rate which they are authorized to make under this Act, to be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the Special Sewer Rate, and for securing and paying off any Monies which may be borrowed on the Security of the Special Sewer Rate under the Provisions of this Act, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Commissioners may assess.

98. The Commissioners may from Time to Time make Assessments in respect of the said Special Sewer Rate and General Sewer Rate hereby authorized to be levied on the Owners of all Lands or Premises within the Burgh, or within separate and distinct Districts, and that in reference to the Valuation of such Lands or Premises as fixed by the Valuation Roll; and in every Case in which the Commissioners shall see fit to make the said Assessments or either of them on separate and distinct Districts, they shall cause every such District to be described and defined as herein-after provided.

Rates to be levied on separate and distinct Districts.

99. The Commissioners may, in making the said Assessments for separate and distinct Districts, appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be,

be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in such Manner as the Commissioners shall consider fair and equitable.

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100. Where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Owners thereof shall be entitled to have such Deduction made from the Special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

Where Premises were sufficiently drained before making new Sewer, Owner to have a Reduction made in his Rates.

(2.) *Foot Pavements.*

101. Whenever the Commissioners shall resolve, in manner after provided for, to undertake the Maintenance and Repair of the Foot Pavements in any Burgh, by means of a General Assessment, it shall be lawful for them to charge all Owners of Lands or Premises within such Burgh, with reference to the said Valuation Roll, with a Special Paving Assessment equal to but not exceeding Twopence in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called "The Foot Pavement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises, but the latter shall be entitled on Payment thereof to deduct the same from his Rent; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

Assessment for Maintenance and Repair of Foot Pavements.

(3.) *General Improvements.*

102. Whenever the Commissioners in any Burgh shall resolve, in manner after provided for, to make Provision for the General Improvement of the Burgh, it shall be lawful for them to charge, in equal Proportions, all Owners and Occupiers of Lands or Premises within such Burgh, with reference to the said Valuation Roll, with a Special Assessment equal to but not exceeding One Penny in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rate to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called the "General Improvement Rate," and shall be leviable either from the Owner or Occupier of such Lands

General Improvement Assessment.

 or

PART II. *Assessments.* Sect. 2.

or Premises in equal Proportions, or in whole from the Occupiers thereof, but in the latter Case the Occupier shall be entitled on Payment thereof to deduct from his Rent the Proportion payable by the Owner; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(4.) *Private Improvements.*

Assessment for private Improvements.

103. Where by the Provisions of this Act the Owner or Occupier, as the Case may be, of any Premises is directed or fails to do any Work, Matter, or Thing in relation to the same, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Commissioners, or where Expenses are incurred by the Commissioners for or in respect of any Premises, in order to carry out the Provisions of this Act, the Commissioners shall charge the Owner or Occupier of the Premises with the said Expenses or Special Rates therefor, over and above any other Assessments or Rates to which such Owner or Occupier may be liable under this Act, and such Expenses or Special Rates shall, for the Purposes of this Act, be called the "Private Improvement Assessment."

Rates and Assessment to be Burdens on the Premises.

104. Such Special Sewer Rate, General Sewer Rate, and Private Improvement Assessment shall, with the legal Interest thereof from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Lands or Premises liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable, as against *bonâ fide* Singular Successors or Heritable Creditors: Provided always, that nothing herein contained shall affect the Rights and Remedies of Superiors for the Recovery of their Feu Duties and Casualties.

Collector of Rates to grant Certificate.

105. The Collector in any Burgh shall, when required by any Person, be bound to furnish to such Person a Certificate under his Hand in the Form of Schedule (E.) hereunto annexed, showing, with reference to any Premises, what Arrears of such Rates or Assessments, if any, are past due, and the Name of the Owner and Occupier of such Premises as appearing in his Books, and also whether any and what Instalments of such Rates or Assessments are still chargeable in respect of such Premises: Provided always, that for each Certificate in respect of Premises separately entered or charged in the Assessment Books he shall be entitled to a Fee of Two Shillings and Sixpence from the Person requiring the same; for which Fee, or for such Portion thereof as the Commissioners may direct, the Collector shall be bound to account to the Commissioners, if required by them.

106. The

106. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners may think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Rates or Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly rated or assessed may be lodged with the Clerk or Collector, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk or Collector through the Post Office at least Two Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; but the Commissioners may rectify such Rate or Assessment so appealed against.

Rates and Assessment how to be imposed, and how Appeals to be entered and disposed of.

107. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment or separate Rolls or Books of Assessments applicable thereto, and the same, or a Copy thereof, docqueted and signed by the Clerk and any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Rates or Assessments; and if the said Rates or Assessments shall not be paid when the same fall due, the Collector shall take legal Proceedings for Recovery of the same, together with the legal Interest thereof from the Day fixed for Payment thereof as aforesaid, in the same Way and Manner as is herein-before provided for Recovery of the Police Assessment under this Act, or the said Rates or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of *Scotland.*

Recovery of the said Rates and Assessment.

108. If any Surplus of any Rate or Assessment under this Act shall remain at the End of any Year after the whole Expenses for which such Rate or Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall, except as herein-after provided for, be applied towards the same Purpose in the Year following; and if any such Rate or Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency by Assessment

Application of Surplus Assessment.

Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

Part III. *Appointment of Officers.* Sect. 1

PART III.

APPOINTMENT OF OFFICERS.

Section I.—*Appointment of Surveyor, Inspector, and Officer of Health.*

Commissioners may appoint a Surveyor.

109. The Commissioners may from Time to Time, and as often as they shall think proper, appoint a Person duly qualified to act as a local Surveyor of the Paving and Drainage and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the several Assessments or Rates levied under this Act, and that in such Proportions therefrom as the Commissioners shall see proper.

Commissioners may appoint an Inspector of Cleansing.

110. The Commissioners may appoint some Person, by the Title of "Inspector of Cleansing," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations of the Commissioners, and the Commissioners shall duly publish the Name of any Inspector of Cleansing appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations made by the Commissioners; and the Inspector of Cleansing shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Householder of the Burgh or other Person interested.

Commissioners may appoint Officer of Health.

111. The Commissioners may, if they think fit, appoint a Person of competent Skill and Experience, who shall be styled the "Officer of Health," and whose Duty it shall be to ascertain the Existence of Disease within the Limits appointed to him, especially of epidemic, endemic, and contagious Diseases, and to point out any local Causes likely to occasion or continue such Diseases or otherwise injure the Health of the Inhabitants, and to point out the best Means of checking or preventing the Spread of such Diseases, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature

Nature which may be required of him; and the Commissioners shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Police Assessment hereby authorized to be levied; and the Commissioners may, with the Approval of One of Her Majesty's Principal Secretaries of State, remove any such Officer of Health, or, with the like Approval, discontinue any such Officer.

PART III. *Appointment of Officers.* Sect. 1.

112. The Commissioners may, if they think fit, appoint the same Person to be both Surveyor of Paving and Drainage and Inspector of Cleansing.

Same Person may be Surveyor and Inspector.

113. The Commissioners may provide Offices for the Use of the Surveyor, Inspector, and Officer of Health in some convenient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given Twice at least in some Newspaper circulating within the Burgh.

Commissioners may provide Offices.

PART III.

SECTION II.—*Appointment, Powers, Duties, and Privileges of Constables.*

114. The Commissioners of Burghs authorized by this Act to maintain Constables shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh, or of the Senior Magistrate of Police, and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as such Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the Duty, and to direct their Distribution within the Burgh, and to remove them at pleasure; and the Superintendent of Police may also be appointed Surveyor of Paving and Draining and Inspector of Cleansing: Provided always, that no Burgh to be established in virtue of this Act shall be entitled to maintain Constables in Terms of this Act unless the Population of such Burgh shall, according to the last Census for the Time being, amount to Seven thousand or upwards, it being hereby declared that the true Intent and Meaning of this Act in that respect is that all such Burghs shall, in regard to Constables, be subject to or regulated by the County Police Act Twentieth and Twenty-first of *Victoria*, Chapter Seventy-two, anything in this Act to the contrary notwithstanding.

Appointment of Superintendent of Police and of Constables.

115. All Warrants and Deliverances which may be issued in any Criminal Proceeding arising within the Burgh by the Sheriff of the County

Constables may execute Warrants, &c.

PART III. *Appointment of Officers.* Sect. 2.

County may, with the Consent of the Commissioners, be served and executed, and all Services, Citations, and Executions in any such Criminal Proceeding before such Sheriff may be made and given by the Superintendent of Police or any Constable of the Burgh appointed under this Act.

Constables to account for Fees.

116. It shall not be lawful for any Constable acting under this Act to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable, but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment which he may be liable to account for or pay over to the Commissioners or otherways for the Use of the Burgh.

Duties of Superintendent of Police and Constables.

117. It shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police, under the Control of the Commissioners; and it shall be lawful for the said Superintendent or any Constable of Police, without any other Warrant than this Act, to apprehend and to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before another Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction; and it shall be the Duty of the said Superintendent and Constables to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Byelaws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh, and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

Power to detach Constables to other Places.

118. On the Requisition of the Sheriff of any County or Chief Magistrate of any Burgh in *Scotland* the Superintendent of Police shall,

shall, if so directed by the Magistrates, or in case of Urgency by the acting Chief Magistrate, detach Constables to act in other Counties or Burghs, Guarantee being obtained for Outlay and Expense, and also for Provision in case of Officers being injured or killed.

PART III. *Appointment of Officers.* Sect. 2.

119. The Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Powers and Privileges of Superintendent of Police and Constables.

120. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, and to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Constables not to resign without Leave or Notice.

121. It shall be lawful for the Commissioners to fix and appoint suitable Wages to the Constables and other Persons employed by them, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Offices, and to reward them for meritorious Services, and also to make Provision for any Superintendent, Constable, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in or after long Service be unfitted for the Execution of his Duty.

Commissioners to fix Salaries of Constables.

122. Every Constable appointed under this Act who is dismissed from or ceases to hold or exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and the Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Constables dismissed to deliver up Accoutrements.

123. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his

Penalty for unlawful Possession of Accoutrements, or for

assuming the Dress of Constables.

his Possession thereof, or who puts on the Dress, or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Penalty for Neglect of Duty.

124. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and is convicted thereof before a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Magistrate before whom he is convicted, he may be imprisoned for any Time not exceeding One Month, with or without Hard Labour.

Power to provide Offices, Watch-houses, &c.

125. The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

PART IV.

ORDINARY POLICE PURPOSES.

SECTION I.—*Lighting of Burghs.*

Streets to be lighted.

126. It shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Burgh, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curbstones of the Pavements or Footways, or at or upon the Rails or in or upon the Walls of Buildings on the Sides of the Streets, as they shall think proper, without being liable to any Claim for Compensation thereanent.

Penalty for wilfully breaking Lamps.

127. If any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post, or wilfully extinguish the Light or damage the Iron or Appurtenances of any Lamp, it shall be lawful

lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable or other Officer, in order to be secured and taken before a Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid, such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding Sixty Days.

Persons accidentally breaking Lamps to repair the Damage.

128. If any Person shall, through Negligence or Accident, break any Lamp set up in any Street, public or private, or in any common Stair or Passage, or private Court, and shall not, upon Demand, make satisfaction for such Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established in the Police Court, under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful to enforce Payment thereof in the same Manner as Penalties are directed to be recovered under this Act.

Price to be paid for Gas to be ascertained in case of Dispute.

129. If the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Terms and Conditions of the Supply, and as to the Price to be paid for such Supply, then such Terms and Conditions and Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be and are hereby incorporated with this Act, and the Expression "the Undertakers" in the said Act shall, in reference to this Act, mean the Commissioners: Provided always, that this Enactment shall not apply to any Burgh where the Supply of Gas for public Lamps is regulated by a Local Act.

Owners to provide Lamps for common Stairs, &c.

130. The Owner or Owners of common Stairs or Passages or private Courts, or of Lands or Premises having a Right of Access by any common Stair or Passage or private Court, shall, when required by the Commissioners, within Seven Days next after Service of

PART IV. *Police Purposes.* Sect. 1.

of an Order for that Purpose, make Provisions for lighting such common Stair or Passage or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps to the Satisfaction of the Commissioners; and in default of Compliance with any such Order such Owner or Owners shall be liable to a Penalty not exceeding Forty Shillings for every Day that he or they shall so make default.

Penalty for not keeping common Stairs, &c. lighted.

131. If the Lamp or Lamps which may be erected in any such common Stair or Passage or private Court is or are not regularly cleaned and lighted during such Hours as are from Time to Time fixed by the Commissioners, by the Occupier of any Building or Part of a Building to which Access is obtained by such common Stair or Passage or private Court, every such Occupier failing to do so, whether under Obligation by Contract, or in virtue of this Provision, shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

PART IV.

SECTION II.—*Cleansing Streets.*

Dust, &c., collected to be vested in the Commissioners.

132. The Dust, Dung, Ashes, Rubbish, and Filth (excepting always Stable and Byre Dung) within the Burgh shall be and the same are hereby vested in the Commissioners, who shall have Power to sell and dispose of the same as they think proper, and the Money arising therefrom shall be applied to the Police Purposes of this Act; and the Commissioners shall cause all the Streets, public or private, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all the Dust, Dung, Ashes, Rubbish, and Filth to be collected from such Streets, Privies, Sewers, Cesspools, Houses, or Premises, and to be removed at such convenient Hours and Times as they shall consider proper.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

133. The Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Premises by them considered necessary, or they may cause any new Buildings to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act: Provided always, that it shall be lawful for any Landowner or Householder whose Property may be affected or who thinks himself thereby aggrieved to appeal to the Sheriff in manner after provided.

Dust Boxes to be erected by Commissioners.

134. The Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein

wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the public and private Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who, being so required, shall fail to deposit or cause to be deposited any Ashes or Dust in some of such Dust Boxes or other Conveniences shall for every Offence be liable to a Penalty not exceeding Ten Shillings.

Commissioners may cause public Conveniences to be erected.

135. The Commissioners may erect such public Waterclosets, Privies, and Urinals within the Burgh, and in such Situations as they think fit, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Police Assessment, but so that such Erection shall not become a Nuisance, and any Householder who thinks himself aggrieved thereby may appeal to the Sheriff in manner after provided.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

136. The Commissioners shall, as often as Occasion requires, cause the public and private Streets to be watered, and they may contract with any Water Company or Person for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any such Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to appoint Scavengers.

137. The Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Person to employ Scavengers, for sweeping, cleansing, and watering such Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and for emptying Privies and Cesspools in the Manner by this Act directed; and such Scavengers shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any such Streets which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, Reservoir, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes,

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Ashes, or Rubbish or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing contained in this Act shall extend to or affect the Obligations of Turnpike Road or other Trustees in regard to the Roads under their Management within the Burgh.

Penalty for obstructing Scavengers.

138. Every Person who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

139. Every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Dung, Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be collected or removed by the Commissioners, or by Persons employed by them, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Horse and Cow Dung to be kept off the Streets.

140. It shall not be lawful to deposit, except for the Purpose of Removal, any Horse or Cow Dung upon such Streets (Mews or Stable Lanes excepted); and no Horse or Cow Dung, wherever lawfully kept, shall be mixed with any Dung, Soil, Dirt, Ashes, or Filth declared by this Act to be the Property of the Commissioners; and where any Horse or Cow Dung shall be found in any such Streets (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the Inspector of Cleansing, and sold, and the Proceeds of such Sale accounted for and applied to the Police Purposes of this Act.

Stables and Byres to be kept clean.

141. All Stables and Byres, and Areas therewith connected, shall be constantly kept in a clean Condition to the Satisfaction of the Inspector of Cleansing, under a Penalty not exceeding Twenty Shillings for each Offence; and it shall be the Duty of the Inspector from Time to Time to examine the State of all such Places, with a view to the Enforcement of this Enactment.

Areas, &c. to be cleansed by Occupiers.

Penalty for Neglect.

142. All Private Courts, Yards, Areas, and other Places which are not cleansed by Scavengers appointed under this Act, shall be kept clean, and shall at least Three Times in every Week, or when required by the Superintendent of Police or Inspector of Cleansing, be cleaned out, by or at the Expense of the Occupiers of such Courts, Yards, Areas, or other Places respectively; and if such Courts, Yards, Areas, or other Places shall not be so kept and cleansed the Occupiers thereof shall be liable to a Penalty not exceeding Ten Shillings for every such Offence.

143. It

143. It shall be lawful for the Commissioners or any of them, after Inspection and Report by the Superintendent of Police or Inspector of Cleansing to regulate and limit the Time within which all common Necessaries and Dungsteads shall be emptied and cleaned out; and if any other Person under Obligation by Contract or otherwise to empty or clean out such Places shall fail so to do within the Time so limited, such other Person shall be liable in a Penalty not exceeding Twenty Shillings, besides Forfeiture of any Stable or Byre Dung in such Place, which Dung the Inspector of Cleansing, or any other Officer authorized by the Commissioners, may remove or dispose of, or cause to be removed and disposed of, and the Proceeds, under Deduction of the Expenses of Removal, shall be applied to the Police Purposes under this Act.

Dungsteads, &c. to be cleaned out.

144. Every Person who shall lay or cause to be laid on any such Streets any Dung or Manure, for the Purpose of removing the same, shall remove and take the same away before Eight of the Clock of the Day on which it shall be so laid in such Streets, from the First Day of *October* to the First Day of *April*, and before Seven of the Clock of the Day from the First Day of *April* to the First Day of *October;* and if Dung or Manure shall be allowed to remain on any Part of such Streets after the said Hours, the Person offending shall be liable to a Penalty not exceeding Five Shillings for each Offence, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the Officers of Police, who shall have Power to dispose of the same for the Police Purposes of this Act.

As to Removal of Dung.

145. The Commissioners may from Time to Time fix the Hours within which only it shall be lawful to remove offensive Matter from any Premises; and when the Commissioners have fixed such Hours, and given public Notice thereof in such Manner as they may deem proper, every Person who removes along any such Street any offensive Matter at any Time, except within the Hours so fixed, and every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart, or of the Stench thereof, or who wilfully spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably spilled, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Driver or Person having charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty for conveying offensive Matter at improper Times.

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PART IV.

SECTION III.—*Paving and maintaining Streets.*

Power to the Commissioners to improve and form public Streets.

146. The Commissioners may from Time to Time cause all or any of the Streets within the Burgh not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they shall also repair such Streets from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour, or other Fund, by Law applicable to the Maintenance or Repair of such Streets; and any Person considering himself aggrieved may appeal to the Sheriff in manner after provided.

Commissioners may place Fences to Footways.

147. The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

148. Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum, not exceeding Five Shillings, for every Square Foot or Part of a Square Foot of the paved Flags or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered; and any Persons having Authority to take up the Pavement, Flags, or other Materials of any Street shall be bound to restore the same, in a substantial Manner and to the Satisfaction of the Commissioners; failing which, the Commissioners shall have Power to restore the Pavement, Flags, or other Materials at the Expense of such Persons, and to enforce Payment thereof.

Foot Pavements.

149. The Owners of all Lands or Premises fronting or abutting on any Street shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of such Street to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other Manner

Manner and Form and of such Breadth as the Commissioners shall direct, and shall thereafter, from Time to Time, as Occasion may require, repair and uphold such Footways: Provided always, that where the Lands or Premises of any Owner front or abut on any Street for a continuous Length exceeding One hundred Yards, and such Lands or Premises are unfeued or unbuilt on, it shall not be lawful to the Commissioners to require such Owner to construct such Footway, but the Commissioners may themselves cause such Footway to be constructed in so far as they think proper, and shall be entitled forthwith to recover from such Owner One Third of the Expense thereof, and the remaining Two Thirds thereof whenever the Lands fronting or abutting on the Footway so constructed by them are actually feued or built upon, or laid out or used as a Garden or Pleasure Ground or Pertinent of a House.

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Private Streets not properly formed.

150. Whereas it would conduce to the Convenience of the Inhabitants, and be for the public Advantage, if Provision were made for the levelling, paving or causewaying and flagging of Streets which have been laid out and formed by Persons who have neglected to have the same properly levelled, paved or causewayed and flagged, and for preventing such Inconveniences in future: Be it therefore enacted, That where any private Street or Part of a Street is at the Adoption of this Act formed or laid out, or shall at any Time thereafter be formed or laid out, and is not, together with the Footways thereof, sufficiently levelled, paved or causewayed and flagged to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to cause any such Street or Part of a Street, and the Footways thereof, to be freed from Obstructions, and to be properly levelled, paved or causewayed and flagged, and channelled, in such Way and with such Materials as to them shall seem most expedient; and no such Street shall be considered to have been sufficiently paved or causewayed and flagged unless the same shall be completed with Kerbstones and Gutters to the Satisfaction of the Commissioners.

Expense to be paid by Owners

151. The whole of the Costs, Charges, and Expenses incurred by the Commissioners in respect of private Streets shall be paid and reimbursed to them by the Owners of the Lands or Premises fronting or abutting on each Street, in proportion to the Extent of their respective Premises fronting or abutting on such Street, as the same shall be ascertained and fixed by the Commissioners or their Surveyor.

In certain Cases Proportion of Expenses to be fixed by Commissioners.

152. Where One or more private Streets or Parts thereof serve for or lead to various Premises adjoining the same, or where, from the peculiar Nature of the Locality, in the Judgment of the Commissioners, the Proportions of each Owner cannot be regulated according to

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to the Frontage as above provided for, the Commissioners shall fix and determine the Premises the Owners of which shall be liable for such Costs, Charges, and Expenses, and the Proportions leviable from each Owner, as they shall consider, under all the Circumstances of the Case, to be just.

Owners to be liable only for Proportions of Expenses.

153. Each Owner shall be liable only for his own Proportion of the said Costs, Charges, and Expenses, and any Owner who shall have well and substantially, and to the Satisfaction of the Commissioners, levelled, made, paved, or causewayed and flagged, and channelled, any Part of such private Street or of the Footways thereof, or done any of such Works, shall be entitled to such Relief as shall appear to the Commissioners to be just.

Private Streets may be declared Streets, as defined in this Act.

154. If any private Street shall at any Time be made, paved, or causewayed and flagged, and put in good Order and Condition, to the Satisfaction of the Commissioners, then, and on Application of any One or more of the Owners of Premises fronting or abutting upon such Street, it shall be lawful for the Commissioners to declare the same to be a Street, as defined in this Act, and for ever afterwards vested in the Commissioners, and shall, with the Exception of the Footway, be repaired and repairable by the Commissioners, under the Authority and Powers of this Act.

Commissioners may relieve Owners within Burgh from Repair of Footways.

155. It shall be lawful to the Commissioners acting under this or any General or Local Act, instead of enforcing the Maintenance and Repair of Footways within Burgh by Owners, to resolve, at a Meeting held for the Purpose, to undertake such Maintenance and Repair, and thereafter such Footways shall be maintained and repaired by the Commissioners: Provided always, that nothing herein contained shall apply to the Footways of private Streets, nor shall affect the Right of the Commissioners to require such Footways to be previously made.

Right of Relief, &c. not to be affected.

156. Nothing in this Act contained shall affect any Right of Relief in regard to the making, paving or causewaying, maintaining, or cleansing of Streets which the Owner or any other Person may have by Feu Contract or otherwise; nor shall any Liability attaching in Law to the Trustees of any Turnpike or other Road, or other Persons liable to make, pave or causeway, maintain, or cleanse Streets or the Footways thereof, be affected, altered, or abridged hereby.

Right of Appeal.

157. Provided always, That as regards the paving or causewaying and maintaining Streets, public or private, including the Footways thereof, it shall be lawful for any Person whose Property may be affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART

PART IV.

SECTION IV.—*Naming the Streets, and numbering the Houses.*

Houses to be numbered and Streets named.

158. The Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets, public or private, to be marked with Numbers, as they think fit, and shall put up or paint on a conspicuous Part of some House, Building, or Place, in legible Characters, at or near each End, Corner, or Entrance o every such Street, the Name of such Street; and no Name shall be given to any Street without the Consent of the Commissioners; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up or caused to be put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Numbers of Houses to be renewed by Owner.

159. The Owners of Houses and other Buildings in the said Streets shall mark their Houses with such Numbers as the Commissioners direct, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number directed by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require.

PART IV.

SECTION V.—*Improving Streets and removing Obstructions.*

Houses may be set forward for improving Line of Street.

160. The Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward for improving the Line of the Street in which such Building or any Building adjacent thereto is situated.

Power to purchase Houses, &c. for additional Improvements.

161. The Commissioners may, at a Meeting to be held for the Purpose, resolve to acquire Lands or Premises within the Burgh for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they may re-sell any Parts of such Lands or Premises which shall not be required for such Purposes; and they may also drain, repair, or otherwise improve Courts and Places where there may be Doubt as to the Liability of Owners to execute such Works, and in Localities within the Burgh, when Houses or other Buildings are, in the Opinion of the Commissioners, built too close to each other, or have become waste and ruinous, or are liable to other Objections on sanitary Grounds, it shall also be lawful to the Commis-

Commissioners may acquire Premises for sanitary Purposes.

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Commissioners to resolve to acquire Lands or Premises, for the Purpose of reserving them as vacant Spaces, or of improving the Buildings, or of otherwise disposing of them so as to improve the sanitary Condition of such Localities; and the Expense of such Acquisitions and Improvements shall be a charge against the General Improvement Rate herein-before authorized to be levied; Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Houses projecting beyond Line of Street, when taken down, to be set back.

162. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be altered, or is to be rebuilt, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners may direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains, which Compensation may be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," is directed to be settled, and shall form a Charge against the General Improvement Rate; Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Future Projections of Houses, &c. to be removed, on Notice.

163. The Commissioners may give Notice to the Owner of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Owner shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall form a Charge against and be paid by the Owner so making default; and no Person shall erect any Projection whatever in any Street without the written Consent of the Commissioners, under a Penalty of Forty Shillings for each Offence.

164. If

164. If any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Owner of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal is begun; and if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Commissioners may cause existing Projections to be removed, and Compensation to be made.

165. All Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Owner of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Owner, and shall be recoverable from him, and he shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors in future to be made to open inwards.

166. If any such Door, Gate, or Bar was, before the Adoption of this Act, hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Doors opening outwards may be altered.

167. When any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Owner of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Owner of such Vault or Cellar; provided always, that before such Opening is made the Consent of the Commissioners thereto shall be obtained in Writing; and if such Owner do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Coverings for Cellar Doors to be made by Occupier.

Penalty for Neglect.

168. The

Rain Water to be conveyed from Roofs of Houses in Pipes.

168. The Owner of every House or Building in, adjoining, or near to any Street, public or private, shall put up and keep in good Condition a Shoot or Trough of the whole Length of such House or Building, and shall connect the same with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along such Street, or flow over the Footpath; and for the latter Purpose it shall be lawful for any such Owner to take up so much of the Pavement, Causeway, or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix Iron Drain Gutters, under the Direction of the Commissioners; and all Damage which may thereby be occasioned to the Pavement, Causeway, or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner; and in default of Compliance with this Enactment such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default, after being required by the Commissioners to comply therewith.

Parties aggrieved may appeal to the Sheriff.

169. Provided always, That, as regards the improving the Line or Level of any Street, and removing Obstructions, or any other Work to be executed by the Commissioners, under the Provisions of this Act, for the Improvement of any Streets, it shall be lawful for any Person whose Property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART IV.

SECTION VI.—*Laying out new Streets.*

Notice of Intention to lay out new Streets to be given to Commissioners.

170. Every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any such Street is, at the Time of the Adoption of this Act, in whole or in part, the Subject of any Contract for the Formation thereof then existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Levels to be fixed by the Commissioners.

171. The Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be

be kept thereafter by every Person erecting any House or other Building in such Street.

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If the Commissioners fail to fix the Level, the Party may proceed without.

172. If the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out such Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them out of the Police Assessment.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

173. Every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of such Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners shall be liable to defray all the Expenses consequent upon any Alteration on any such House or Buildings, or any Change of the Level of that Part of such Street on which such House or Building abuts, which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be altered, at the Expense of the Commissioners.

174. If the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks, laid in any such Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners may direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and Compensation for every Damage done thereby, shall be paid by the Commissioners out of the Police Assessment, or other Rates or Assessments, as the Case may be, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect to make the Alteration, the Commis-

175. If the Person to whom any such Pipes or Works belong do not proceed forthwith, after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or

sioners may cause the same to be done.

or Works to be raised, sunk, or altered, as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

Commissioners may agree as to making of new Streets.

176. It shall be lawful for the Commissioners to agree with any Person for the making of new Streets for the Public Use through the Lands and at the Expense of such Person, and to agree that such Streets shall become and the same shall accordingly become, on Completion, public Streets to be maintained and repaired at the Public Expense; and it shall be lawful for the Commissioners, with the Consent of Two Thirds of their Number, to agree with such Person to pay any Portion of the Expense of making such Streets out of the Police Assessment, and accordingly to pay the same.

Width of new Courts.

177. It shall not be lawful to form, lay out, or build any Court unless the same shall be of a clear Width of Fifteen Feet, measuring from the Buildings or intended Buildings therein: Provided always, that to any such Court in which there shall be more than Eight Houses there shall be an additional Width of One Foot for every such additional House; provided also, that there shall be an Entrance to every such Court of the full Width thereof, and open from the Ground upwards.

Height of Houses in Courts.

178. It shall not be lawful to build any Houses in any Court which shall be of greater Height than Thirty Feet, nor shall any Houses in any Court contain more than Two Flats above the Ground Flat, which Height shall be taken from the Level of the Ground Floor to the Eave of the Roof.

Penalty for forming Courts contrary to Act.

179. Every Person who shall, from and after the Adoption of this Act, form or lay out, or permit or suffer to be formed or laid out, any new Court, or any Part thereof respectively, within the Burgh, or who shall build, raise, or add to any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions of this Act, unless the same shall have been formally sanctioned by the Commissioners on a Consideration of the Special Circumstances of the Case, which Sanction they are hereby empowered to give, shall forfeit and pay a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Five Pounds per Day for every Day after the first, during which he shall permit or suffer such new Court, or Part thereof, or such Houses or Premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the Provisions of this Act relating to the Width and Construction of Courts, shall not extend or apply to any existing Court which shall be proved to the Satisfaction

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faction of the Commissioners to be agreed to have been formed previous to the Adoption of this Act.

Removal of Toll Bars within Burgh.

180. It shall be lawful for the Commissioners, and for the Trustees of any Turnpike Road, the whole or any Portion of which is within the Burgh, to contract for the Removal of any Toll Bar thereon from within or nearer to the Limits of the Burgh, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Commissioners as a public Street, of the whole of the said Turnpike Road so far as situated in the Burgh, or of Part thereof, all on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on: Provided always, that no such Contract shall be valid and effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter; and that no Person qualified as a Trustee by holding the Office of Lord Provost, Provost, Baillie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the Burgh shall be entitled to vote at any such Meeting in relation to any such Contract: Provided also, that where the whole Money borrowed on the Credit of the Tolls of any such Turnpike Road shall not have been discharged, no such Contract shall be valid without the Consent thereto in Writing of the Persons entitled to Three Fourths of the Money remaining due upon such Tolls, and of such Trustees as shall have become personally liable for the same: Provided further, that it shall be lawful for the Trustees of any Turnpike Road from which a Toll Bar shall be removed in pursuance of the Provisions herein-before contained to levy at such Bar, where re-erected, and also at the other Bars on the said Road, the same Tolls as they might have levied if such Bar had not been removed.

Exemption of Roads under Trustees.

181. The Provisions of this Act in regard to paving and maintaining Streets, excepting Foot Pavements as above provided, shall not apply to any Roads or Streets which are or may come under the Management of Turnpike or other Road Trustees, and this Act shall in no respect repeal, alter, or affect the Powers or Obligations of such Trustees, or the Provisions of any Act of Parliament under which they act.

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SECTION VII.—*Public Sewers.*

Sewers, &c. vested in Commissioners.

182. All Sewers and Drains within the Burgh, whether existing at the Time when this Act is adopted or made at any Time thereafter, (except Sewers and Drains within the private Property of any Person made and used as of private Right by any Person or Persons for his or their own Benefit, or for the Benefit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Power to purchase, &c. certain Sewers.

183. The Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers not hereby vested in the Commissioners, or contract for the Use of any such Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Purposes to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, any Law to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Private Sewers or Water-courses, &c. not to be used without Consent.

184. Nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained from the Person legally entitled to grant the same; and

and nothing in this Act contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

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Drainage Districts to be formed, subject to the Approval of the Sheriff.

185. The Commissioners may from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands or Premises to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

186. The Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given and the Plans and Estimates to be prepared, cause to be made, under the Streets, public or private or elsewhere, such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and shall also, if necessary for such Drainage, deepen, divert, or cover over any Burn or any Ditch made use of as a Common Sewer, or any Ditch into which Sewage flows, and shall also cause to be made all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any such Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if, for completing any of the aforesaid Works, it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection, and Sale for Agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that if in making any such Main and other Sewers, or in repairing, reconstructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall be diverted therefrom to the Prejudice of any actual existing legal Right, the Commissioners shall be bound to make Compensation therefor; which Compensation shall be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," is directed to be settled.

187. The

Commissioners may alter Sewers from Time to Time.

187. The Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch, or cover over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners not to destroy existing Sewers, &c. without providing others. Penalty for Neglect.

188. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse, or do not within Seven Days next after Notice in Writing served upon them begin, and thereupon diligently proceed to restore to its former effective State, such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners to cause Estimates to be prepared before Execution of Works.

189. Before entering into any Contract for executing any such Work as aforesaid, the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Penalty for making unauthorized Drains.

190. Every Person, not being employed or authorized for that Purpose by the Commissioners, who shall make any Drain from any Lands or Premises into any of the Sewers vested in the Commissioners, shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Drain to be re-made as they think fit, and the Expense incurred thereby shall be paid by the Owner of the Lands or Premises, and that over and above a reasonable Sum of Money for the Use of the Sewers, which the Commissioners are hereby authorized and required to exact for all Lands or Premises which were not assessed for the Expense of making such Sewers, or which shall have been built, enlarged, or altered after the Assessment for making the

the same was imposed or levied, and the Commissioners shall fix and determine the Sum to be paid as they shall consider just.

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Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

191. No Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, public or private, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners; and if, after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

All Sewers, &c to be covered with Traps.

192. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench.

Distillers to construct Reservoirs to deposit Refuse.

193. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or dangerous to the Health of those living in the Vicinity thereof, or to use the best practicable Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, or Sewer.

Sewers may be used by Owners and Occupiers of Land or Premises beyond Limits of Burgh.

194. Any Person, being the Owner or Occupier of any Lands or Premises beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Lands or Premises which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

195. If

Drains may be made to discharge below High-water Mark.

195. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized by this Act.

Power to borrow Money for the Construction of Sewers.

196. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, reconstructing, and maintaining Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in security of the Money to be so borrowed; and the Provisions of this Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, reconstructing, and maintaining Sewers; and the Bonds to be granted for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in this Act, for Bonds to be granted for Money borrowed under the general Powers of this Act, and shall constitute a Lien over the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

197. The Money so borrowed shall be applied wholly in defraying the Expense of making, enlarging, reconstructing, and maintaining Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, Reconstruction, or Maintenance of Sewers.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

198. Provided always, That it shall not be lawful to the Commissioners to authorize the Construction of any Sewer the Sewage from which will be discharged into any River or Stream from which Water is taken for domestic Purposes so as to injure or affect such Supply; and as regards the making, altering, and maintaining Sewers, and the discharging thereof into any River or Stream, it shall be lawful for any Person whose Property may be taken or affected, or who may think himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

PART

PART IV.

SECTION VIII.—*Drainage of Houses.*

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

199. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer or with the Sea, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Yards of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Branch Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall as they think necessary for the Drainage of such House or Building, its Areas, Waterclosets, and Offices; and the Expense thereof shall be recoverable from the Owner of such House or Building, over and above any Sum that may be charged for the Use of the Sewers as above provided for.

No House to be hereafter built without Drains being constructed.

200. No House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners, either then existing or marked out upon the Map hereinafter directed to be made by them; and if there be such Means of Drainage existing within One hundred Yards of such intended House or Building, the Commissioners shall cause a Branch Drain leading thereunto from the intended Site of such House to be made, of such Materials, of such Size, at such Level, and with such Fall as they think fit; or if there be no such Means of Drainage within One hundred Yards of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed and kept in complete Repair to the Satisfaction of the Commissioners, so as effectually to prevent any Leakage or Effluvium therefrom until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are built, the Level shall be sufficient to allow a Drain to be constructed.

201. Whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such Drain as is hereinbefore provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

202. Before

Notice of Buildings and Rebuildings to be given to the Commissioners.

202. Before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by Reference to some Level ascertained under the Direction of the Commissioners.

Commissioners may signify Disapproval within Fourteen Days.

203. Within Fourteen Days after receiving such Notice, the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may, within the said Fourteen Days, fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Commissioners may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered.

204. In default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid.

If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.

205. If the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

Drains and Cesspools to be kept in good Order by Owners.

206. All Branch Drains, as well within as without the Premises to which they belong, and all Cesspools or Reservoirs within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order at the Cost and Charges of the Owners of the Premises to which the same belong, or for the Use of which they are constructed or continued; and if the Owner of any Premises to which any such Drain or Cesspool or Reservoir belongs neglect, during Seven Days after Notice in Writing for

If Owners neglect, Commissioners may

for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may, at the Expense of such Owner, cause such Drain or Cesspool or Reservoir to be altered, repaired, covered, and put in good Order.

cause the same to be done, and charge the Owners with the Expense.

207. The Surveyor of the Commissioners may inspect any Drain or Cesspool or Reservoir within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain or Cesspool or Reservoir is attached, may enter upon any Premises, with such Assistants or Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain or Cesspool or Reservoir be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expense of opening, closing, and making good such Drain or Cesspool or Reservoir shall in that Case be defrayed by the Commissioners.

As to the Inspection of Drains and Cesspools.

208. If such Drain or Cesspool or Reservoir be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain or Cesspool or Reservoir which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain or Cesspool or Reservoir as they think fit.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

209. As regards House or Branch Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

Parties aggrieved may appeal to the Sheriff.

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Section IX.—*Soil Pipes and Water-closets.*

210. Within One Month next after Notice given by the Commissioners in Writing for that Purpose, the Owner of every House or Part of a House occupied by a separate Family into which Water has not been already introduced shall introduce Water into every such House or Part of a House within the Burgh, by means of a Pipe not less than Half an Inch Bore, fitted with a Crane opening upon the Sink and Soil Pipe after mentioned, and shall fit up, in some Window, Recess,

Water and Water-closets.

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Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water; and after a like Notice every such Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied, trapped, and ventilated, and these, and the Water Pipes, fitted up in a most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, shall be kept in complete Repair, to the Satisfaction of the Commissioners: Provided always, that if, in the Opinion of the Commissioners, it is not advisable to introduce Water-closets into each House or Part of a House, they, after a like Notice, may require the Owners of a Tenement to construct on each Flat, or in some convenient Place or Places adjacent to such Tenement, a sufficient Number of Water-closets for the separate Use of each Sex of the Inmates and Occupiers of the said Tenements: Provided always, that this Enactment shall not be enforced by the Commissioners where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, or from any other Cause, such Works shall be impracticable.

Certain Water-closets to be constructed in Factories, &c.

211. If at any Time it shall appear to the Commissioners, upon the Report of the Surveyor, that any House is used or intended to be used as a School or Factory, or Building in which Persons of both, or either of the Sexes, and above Ten in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person refusing or neglecting to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Owners of Flats of Houses to have a Supply Pipe from Water Pipe.

212. It shall be lawful for the Owners of any One or more Floors or Stories of any House or other Building within the Burgh to have a Supply Pipe from any Water Pipe in the Street brought up the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Story or lowest Flat, or, where practicable, through any common Entry; provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily, on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe; and the Expense of laying and putting up, and of keeping

keeping the same in repair, and the Damage thereby occasioned to the Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main Pipe without the Sanction of the Magistrates or any One of them so obtained, and of any Water Company who may supply such Water.

Soil Pipes may be carried through the different Houses.

213. Where there are Two or more Houses in any Tenement, the Owner and Occupier of each House shall permit Soil Pipes, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Story shall permit such Soil Pipes, if necessary, to be carried through and under the same; and all such Owners and Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury done to such Houses in the Execution of the Works shall be forthwith repaired, and that the Authority of the Magistrates shall first be obtained, in the Manner herein-before provided with respect to Supply Pipes from Water Pipes.

Penalty for introducing Ashes into Soil Pipes.

214. The Occupier of any House or other Place into the Cesspool or Soil Pipe of which any Ashes or other Matter calculated to choke the same shall be introduced or allowed to enter shall be liable in a Penalty not exceeding Forty Shillings, besides, where Damage has been caused by such Offence, being liable to repair such Damage.

Owners of Flats of Houses may erect Waste Pipes to communicate with Drains.

215. In all Streets, and other Places within the Burgh, where Common Sewers are or may be constructed, it shall be lawful for any Owner of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recommendation of the Surveyor, or of such other Person skilled in Building as any of the Magistrates may appoint, and on hearing the Parties interested,) to erect a Waste or Foul-water Pipe or Soil Pipe in or upon the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain underground leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none such already exist: Provided always, that the Sanction of the Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing such Pipe, Drain, and Communication, with the Expense of restoring the

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the Street, so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer in the Street as the Commissioners may fix, shall be defrayed by the Owners of the Floors or Flats making use thereof, in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise; and in case of Dispute among the Parties or any of them relative to their Proportion of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner, and such Decision shall be final.

PART IV.

SECTION X.—*Supply of Water.*

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

216. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, Fountains, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct and maintain any Number of new Cisterns, Pumps, Conduits, Fountains, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Supply of Water.

217. The Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water, in case of Dispute.

218. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Terms and Conditions of the Supply and the Price to be paid for such Supply, then such Terms and Conditions and Price (except where by the Act authorizing such Waterworks some other Mode of determining such Terms and Conditions and Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

219. It

219. It shall be lawful for the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Burgh, or any Company actually supplying Water within the Burgh, to place proper Fire Cocks upon the Pipes belonging to any such Company within the Burgh, at such convenient Distances from each other and at such Places as may be considered proper for the Supply of the Fire Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of Opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Fire Cocks may be placed on Pipes of Water Companies.

220. The Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for maintaining such a constant Flow of Water, by means of a Reservoir or Reservoirs or otherwise, along any natural River-Bed or Watercourse within the Burgh, as may be requisite to carry away the Sewage and Drainage discharged into the same, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may, from Time to Time, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Reservoirs and Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets, public or private, from Time to Time for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company or Owners or Lessees of Reservoirs may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Reservoirs and Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the Top Storey of the highest Dwelling House within the Burgh; and the Commissioners, by means of such Reservoirs and Waterworks, or either of them, may maintain such a constant Flow of Water along any natural River Bed or Watercourse within the Burgh as may be requisite for the Health of the Inhabitants of the Burgh, and to carry away the Sewage and Drainage discharged into the River: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c., if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Service Pipes to be laid by Owners.

221. Where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street, public or private, within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Streets not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter such House or Premises, and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner.

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

222. No Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any public Baths and Washhouses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on, or, in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff, upon summary Application

Application by either of the Parties, and the Decision of the Sheriff shall be final.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

223. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Commissioners, shall for every such Offence incur a Penalty not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

224. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the

and on Proprietors of Gasworks, &c.

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Offence is continued, or during the Continuance of the Act whereby the Water is fouled, and every such Penalty shall be recoverable, along with the Expense of recovering the same, by an ordinary Action at their Instance; and if any Water supplied by or belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of *Scotland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the Police Assessment levied under this Act, and be recoverable from them as any Debt may be recovered by the Law of *Scotland.*

Supply of Water for domestic Purposes.

225. A Supply of Water for domestic and ordinary Purposes shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages, where the Horses and Carriages are kept for Hire, or are the Property of a Dealer, or for Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes in Public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for Public Baths or Wash-houses, or for any ornamental Purpose whatever.

Certain Provisions of "The Waterworks Clauses Act" incorporated with this Act.

226. With respect to the Supply of Water within Burgh, all the Clauses and Provisions of "The Waterworks Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act, and any Act incorporated therewith:

With

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With respect to the Construction of the Waterworks:

With respect to the Communication Pipes to be laid by the Inhabitants:

With respect to Waste or Misuse of the Water supplied by the Undertakers:

With respect to the Provisions for guarding against fouling the Water of the Undertakers:

With respect to the Payment and Recovery of the Water Rates:

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff:

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and the Expression "the Undertakers" in the said Waterworks Clauses Act shall, in reference to this Act, mean the Commissioners under this Act: Provided always, that the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

Commissioners may make Byelaws in reference to Water.

227. It shall be lawful for the Commissioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

PART IV.

SECTION XI.—*Surveys and Plans.*

Commissioners to procure a Map of the Burgh, which is to be open to Inspection.

228. The Commissioners shall procure as herein-after provided a Survey and Map or Maps of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands or Premises within the Burgh.

229. The

Officers of Ordnance to furnish Commissioners with Maps, or cause Surveys to be made.

229. The Principal Officers of Her Majesty's Ordnance shall, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh or any Part thereof which shall have been made under the Direction of the said Ordnance Officers, or shall cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

230. The Commissioners shall cause to be marked on the Map so procured by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corner of Streets, public or private, on Posts, Houses, or other prominent Objects within the Burgh.

Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

231. The Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made as aforesaid, and any Costs incurred by them in regard to any such Map, out of the Police Assessment.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

232. The Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of Lands or Premises within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Lands or Premises and from the Surface of such Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for Agricultural or other Purposes, and also to set forth any other Matters

Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

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PART V.

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GENERAL POLICE REGULATIONS.

SECTION I.—*Precautions during Repairs, and old and ruinous Tenements.*

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

233. The Commissioners shall, during the Construction or Repair of any Streets, public or private, and during the Construction or Repair of any Buildings, Sewers, or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and may stop any such Street, and prevent the same being used as a common Passage or Thoroughfare, while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who uses such Streets while so stopped as a common Passage or Thoroughfare, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to any Penalty not exceeding Five Pounds.

Hoards to be set up during Repairs.

234. Every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any public or private Street or Footway may be obstructed or rendered inconvenient by means of such Work, shall obtain Authority from the Commissioners to put up, and such Authority being obtained shall put up, Hoards or Fences to the Satisfaction of the Surveyor, in order to separate the Building where such Works are being carried on from such Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition to the Satisfaction of the Commissioners during such Time as the Surveyor shall fix and the Public Safety or Convenience requires, and shall in all Cases in which it is necessary, in order to prevent Accidents, cause the same to be sufficiently

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sufficiently lighted during the Night; and every such Person who puts up such Hoards or Fences without previously obtaining the Authority of the Commissioners so to do, or who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or fails to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a Time specified for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

235. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any such Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed, or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

236. In no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain longer than may be fixed by the Surveyor, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person who causes such Materials or other Things to be laid, or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence.

Dangerous Places to be repaired or enclosed.

237. If any Building or Hole or any other Place near any public or private Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Streets, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

Ruinous or dangerous Buildings to be taken

238. If any Building or Wall, or anything affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers thereof

thereof or of the neighbouring Buildings, such Surveyor shall immediately cause such Occupiers endangered thereby to remove from the Occupancy of such Buildings until the same are put into a safe Condition, and shall cause a proper Hoard or Fence, or Props, to be put up for the Protection of Passengers, and shall also cause, if he shall judge necessary, the neighbouring Buildings to be properly shored up, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door of such Building or on such Wall, or on a conspicuous Part thereof, or otherwise to be given to the Occupier thereof, if any, requiring such Owner forthwith to take down, secure, or repair such Building, Wall, or other Thing, or as the Case shall require; and if such Owner do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff, after Inquiry, to order the Owner of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of enforcing such Removal and of putting up every such Fence, and of shoring up such Buildings, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

down or secured by Owners, &c.

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

239. If the Owner of such Building or Wall, or Thing affixed thereon, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand and Neglect or Refusal, signed by the Clerk, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner for the Recovery of the said Expenses in Terms of the general Provisions for Recovery of Expenses under this Act, or otherwise as accords of Law.

The Expenses to be levied on the Owner.

240. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting

If Owner cannot be found, Commissioners

may take the House or Ground, making Compensation.

posting a printed or written Notice in a conspicuous Place on such Building or Wall, or on the Land whereon such Building or Wall stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

241. If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Surplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are hereinbefore given to them for compelling the Payment of the whole of the said Expenses.

Ruinous Buildings belonging to Two or more Owners may be sold.

242. If any Houses, Buildings, and other Tenements or Areas have become waste and ruinous within the Burgh, and have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, and which, being held by Two or more joint Owners, cannot be rebuilt or disposed of to Advantage without the Consent of all the Parties interested therein, and the same are allowed to continue in a waste and ruinous or unsafe State in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, it shall be lawful to the Sheriff, upon the Application by Petition of the Procurator Fiscal of Court, or of the Commissioners, or their Surveyor, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the Sheriff, in the usual Manner and Form followed in his Court, and to order such Tenements or Areas to be valued by not less than Three Men of Skill, upon Oath, who shall distinguish the Portions of Tenement, and the corresponding Proportion of the apprized Value, which belong to the several Parties interested, and thereupon, to give each Party the Option to buy and acquire from, or to sell and convey to the others, their respective Portions

Portions of or Interests in such Tenements, agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the Sheriff, not exceeding Six Weeks.

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How Sale to be carried through.

243. If any of the said Parties fail to take advantage of the said Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Sheriff to cause such Tenements to be exposed to Sale by public Auction at a Price not being less than the apprized Value, and in case of no Offerers to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers, or otherwise, as the Sheriff shall appoint, and the Purchaser thereof shall be taken bound within Ten Days after the Sale, or within such Time as may be fixed by the Sheriff, to consign or deposit the whole Amount of the Purchase Money in any One of the Banks established by Act of Parliament or Royal Charter, upon a Receipt or Voucher, subject to the Orders of the Sheriff, otherwise the Sale to be void and null, and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the Sheriff.

Completion of Purchaser's Title.

244. Upon such Deposit being so made, the Sheriff shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which the prior Titles of such Subjects may have been registered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein, without being subject to Challenge by any Party whomsoever.

If Purchaser do not fulfil Conditions of Sale, may be resold.

245. In case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the Sheriff to cause the Tenements to be re-exposed and sold anew; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the Sheriff shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale, until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid.

Application of Price.

246. Upon the Completion of any such Sale, the Sheriff, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled

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Persons, upon Oath or otherwise, as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, and order Payment thereof to the several Parties accordingly, subject always to such Finding or Order in respect of Costs as the Sheriff may pronounce.

Ruinous Tenements may be sold.

247. If any Houses, Buildings, or other Tenements or Areas within Burgh have become waste and ruinous, or have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, the Commissioners may, by a Notice addressed to the Owner if his Address shall be known, or if not known by a Notice affixed to a conspicuous Part of such Houses, Buildings, or other Tenements or Areas, require the same to be rebuilt or otherwise put into a State of Repair to their Satisfaction, within Three Months from the Date of such Notice; and in the event of such Requisition not being complied with the Commissioners may apply to the Sheriff for Warrant to sell such Houses, Buildings, or other Tenements, or Areas, and it shall be lawful to the Sheriff to order the same to be valued, and exposed for Sale by Public Auction, and to sell the same: Provided always, that such Sale shall be made and carried out, or Re-sale effected, the Price deposited and applied, and the Purchaser's Title completed, in the Way and Manner herein-before directed with reference to waste and ruinous Buildings or Tenements or Areas within Burgh, held by Two or more joint Owners.

PART V.

SECTION II.—*Nuisances and Obstructions in the Streets.*

Power to prevent Obstructions in the Streets during public Processions, &c.

248. The Magistrates or Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, public or private, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when such Streets are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping Order and preventing any Obstruction of such Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

249. If any Cattle be at any Time found at large in any such Street of the Burgh, without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same

same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

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Power to sell stray Cattle for Penalty and Expenses.

250. If the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

251. Every Person who in any "Street" or "Private Street" to the Obstruction, Annoyance, or Danger of the Residents or Passengers commits any of the following Offences shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding Fourteen Days, or in the Case of Persons below the Age of Fourteen the Magistrate shall deal with such Offences by a Fine not exceeding Five Shillings, and recoverable from the Parents or Guardians of such Offenders, or by Detention in any Place not being a legal Prison or Lock-up for any Period not exceeding Ten Hours; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of

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of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who allows any Bull or other dangerous Animal to be in any such Street without being secured by means of a Rope attached to a Ring through the Nose of such Animal, or otherwise:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Grounds for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the Public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof, or otherwise than on the Forepart of such Waggon, Cart, or Carriage, and in such a Position as readily to see immediately before and on either Side thereof; or who, without having Reins with a Bit attached thereto, and in the Mouth of the Animal drawing the same, and holding such Reins, rides upon such Waggon, Cart, or Carriage, or any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage, or in such a Position therein, as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing any such Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons; and every Person driving Two Carts or Waggons who has

has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses or any Beast of Draught or Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn or hauled otherwise than upon a wheeled Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any Carriage without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any such Street, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Show-board on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground:

Every Person who carries about on any Carriage or on Horseback any Picture, Placard, Notice, or other Advertisement, whether written, printed, or painted upon or posted or attached to any Part of such Carriage or on any Board or otherwise:

Every Person who places, hangs up, or exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever, so that the

 same

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same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall hang or place any Linen or Clothes or other such Article on any Rail or Fence of any Premises:

Every Person who writes upon, soils, defaces, or marks any Wall, Fence, Hoarding, or Building with Chalk or Paint or in any other Way, or who without Authority affixes or causes to be affixed to any Church, Chapel, or Schoolhouse, or without the Consent of the Owner and Occupier to any other Building, or to any Wall, Fence, or Hoarding, any Bill or other Notice, or who wilfully breaks, destroys, or damages any Part of such Wall, Fence, Hoarding, or Building, or any Tree, Shrub, Seat, or other Thing:

Every Person who conveys in any open Cart or Waggon or otherwise through such Streets the Carcasses, or any Parts thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View; or exposes such slaughtered Carcasses, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop in any such Street; or shall use Machines to mince or hash such Animal Food, to the Annoyance of the Residents:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Basket, Board, or Tray, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who places any Line, Cord, or Pole across, upon, or over any Part of any such Street, or hangs or places any Clothes thereon, or on the Outside of any Window fronting any such Street:

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person, or who commits any Nuisance:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation:

Every Person who discharges any Firearm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window, without sufficiently guarding the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Storey:

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent or calculated to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall sing any profane or obscene Song, or use any obscene, abusive, or indecent Language to or to the Annoyance of any Person in going or passing along any such Street:

Every Person who shall jostle or annoy any Person passing thereon:

Every Person who shall discharge any Smoke or Steam from any Premises (otherwise than from the Top thereof) into any such Street, or suffer or permit the condensed Water or Moisture from any Steam Pipe, Flue, or Funnel to fall into or upon such Street:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open,

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open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, Slops, or dirty Water, on any Street, back Area, Court, or Place, or Sea Beach or Strand within the Boundaries of a Burgh, or causes or allows any Matter, solid or liquid, to fall or run on any such Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any such Street in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any such Street, or who keeps any Swine in or near any such Street:

Provided always, that if any Rubbish, Lead, Iron, Wood, Goods, Commodities, or other Article, Matter, or Thing whatever, shall be placed or allowed to remain in any such Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, it shall be lawful for and in the Power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any Place of Safety, there to remain, at the Risk of the Owner and Person offending, and to detain the same until the Expense of Removal and Detention are paid; and if such Expense shall not be paid within Seven Days, to sell or dispose of the same, and apply the Proceeds as the Magistrates or any of them shall direct.

Owners of Carts, &c. to have Names painted thereon.

252. The Owner of every Waggon, Cart, or Carriage used for the Conveyance of Goods, or plying for Hire, shall have his Christian Name, Surname, and Place of Abode painted in a straight Line horizontally upon some conspicuous Part on the Off or Right Side of such Waggon, Cart, or Carriage, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, failing which such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Time such Waggon, Cart, or Carriage shall be found in any Street.

Persons under 14 Years of Age not to drive Carts, &c.

253. The Owner of any Waggon, Cart, or Carriage who shall cause or permit such Waggon, Cart, or Carriage to be driven in any Street, public or private, by any Person who is not of the full Age of Fourteen Years, and every Person who in any such Street shall put

put a Waggon, Cart, or Carriage, and the Animal drawing the same, temporarily under the Charge or Care of a Person who is not of the full Age of Fourteen Years, shall be liable to a Penalty not exceeding Forty Shillings.

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Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

254. Every Person guilty of any riotous or indecent Behaviour in any Street, public or private, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be imprisoned for a Period not exceeding Fourteen Days.

Removal of Furniture.

255. It shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the Burgh employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the Burgh.

Dogs in private Premises.

256. If any Person shall have or keep or suffer to be kept within any Premises any Dog or any Fowl or other Animal which shall be an Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Annoyance by removing such Dog, Fowl, or other Animal, or otherwise, within such Time as the Magistrate shall determine, which he is hereby authorized to do in a summary Manner, such Person shall, upon Conviction before the Magistrate, for every such Offence be liable to a Penalty not exceeding Forty Shillings; and it shall be lawful to Constables, Officers of Police, or other Officers of the Law and their Assistants, to seize and take possession of and remove any Dog or other Animal being an Annoyance as aforesaid, and not removed when so ordered.

Street Musicians.

257. It shall be lawful for any Householder, personally or by his Servant, or by any Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any Musical Instrument or sing after being so required to depart shall be liable to a Penalty not exceeding Twenty Shillings.

258. It

Power to regulate Shows, &c.

258. It shall be lawful for the Magistrates of Burghs to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and also to restrain and regulate the Use of Apartments in common Tenements or in any Booth for dancing on any Occasion, at any Time which shall appear necessary for preserving Order and Decorum, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall open or be concerned in opening any public Show, Exhibition, or Representation without the Sanction or Permission of the Magistrates, or shall contravene any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Penalty not exceeding Five Pounds.

PART V.

SECTION III.—*Prevention of Fraud.*

Weighing Machines to be erected.

259. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the Streets, public or private, or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Power to Purchaser of Coals to require them to be weighed.

260. It shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

Power to provide portable Machines for weighing Coals.

261. It shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such

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such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

262. For the Purpose of ascertaining the Weight of Coals sold in Quantities of not less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Regulations as to Sale of Coals of Half a Ton Weight.

263. Any Dealer in or Person selling Coals, who shall sell any Quantity of the same equal to or exceeding Half a Ton Weight, shall be bound to deliver to the Carter, or Person in charge of the said Coals, to be given to the Purchaser, an Account or Memorandum specifying the true Tare of the Cart conveying the said Coals, and the true Weight and Price of the Coals, and the exact Time the Cart shall leave the Premises of the said Dealer or other Person selling, under a Penalty of Twenty Shillings for each Offence in any One of such Particulars.

Penalty.

Carter to deliver Memorandum.

264. The Carter or Person in charge of the said Coals shall be bound to exhibit such Account or Memorandum to any Police Constable who may demand the same, and immediately on his Arrival at the Place of Delivery shall deliver the same to the Purchaser or Inmate or other Person in charge of the House or Place of Delivery, under a Penalty of Twenty Shillings for each Offence in either of the said Particulars.

Penalty for selling Coals by Retail in

265. Every Person who sells Coal in Quantities of less than Half a Ton in Weight shall have and keep Scales and Weights of the legal

Carts, &c. without Scales and Weights.

legal Standard, and shall weigh such Coal before Delivery; and when such Coal is sold or delivered from a Waggon, Cart, or Carriage such Scales and Weights shall be attached thereto, and any such Person who fails to have and keep such Scales and Weights, or who does not weigh such Coal previous to Delivery, shall be liable in respect thereof to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, and in respect of any Second or subsequent Offence to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty on Driver refusing to weigh.

266. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such Public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

267. If the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight, of any Cart or the Loading thereof, or shall make, use, or be Privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight

Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

268. In order to prevent Fraud in the Weight of Hay and Straw or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Power to try Weight of Butter, &c. made up in Parcels, and to seize and confiscate if found deficient.

269. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, it shall be lawful for the Superintendent of Police at any Time, or for any Police Constable having Orders or Instructions to that Effect from the Magistrates or any One of them, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the Burgh for Sale, or sold or exposed or kept for Sale in any Shop or Market Place within the Burgh; and it shall be lawful for the Superintendent at any Time when he shall deem it necessary or proper, or for any Police Constable, on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the Burgh in which such Parcels and Quantities of Butter, Bread, and other Articles are sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles as may be found therein; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before any of the Magistrates, or to attend at the Police Office, and in the event of

 Refusal,

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Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office, for Examination; and it shall be lawful for the Magistrates or any of them, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or deficient, and was so at the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding Forty Shillings for every Parcel or Quantity intended to represent a specific Weight found deficient.

Penalty on committing Frauds in Weight of Bread.

270. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls), impress thereon, in large and distinct Figures, the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty not exceeding Forty Shillings for each Offence; and any Person who shall sell, or offer or expose for Sale, any Bread which shall be deficient or under the Weight so impressed, shall be liable in a Penalty not exceeding Forty Shillings for each Offence.

Magistrates to have Powers conferred upon Justices by 22 G. 2. c. 27. and 17 G. 3. c. 56.

271. And for the further Prevention of Fraud the Magistrates shall have and may exercise the Powers and Jurisdictions conferred upon any Justice or Justices of the Peace by the Act of the Twenty-second *George* the Second, Chapter Twenty-seven, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of Persons employed in the said several Manufactures, and for the better Payment of their Wages;* and by the Act of the Seventeenth *George* the Third, Chapter Fifty-six, intituled *An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and also for making Provisions to prevent Frauds by Journeymen Dyers;* and the Provisions of the said Acts shall apply to Proceedings before the Magistrates and to Acts done by them in relation thereto, in the same Manner as to Proceedings before and Acts done by any Justice or

or Justices of the Peace; and upon an Oath or solemn Affirmation or Declaration being made before the Magistrates or any Justice or Justices of the Peace that there is Cause to suspect that any Material purchased or received by any Broker from any Person or Persons were purloined or embezzled, the Magistrates of Burghs or any Justice or Justices of the Peace may grant Warrant for bringing the Person or Persons from whom the Broker purchased or received such Materials before him or them; and if such Persons or Person shall not give a satisfactory Account of how he, she, or they came by such Materials, such Person or Persons shall be deemed guilty of a Misdemeanor or Offence, and shall be punishable accordingly, in Terms of the said Two last-recited Acts, in the same Manner as if such Materials had been found in the Possession of such Person or Persons; and it shall be competent to the Magistrates or to any Two Justices of the Peace to sentence such Person or Persons to pay any Fine not exceeding the Amounts authorized by the said Acts, or alternatively to commit such Person or Persons to Prison for any Period not exceeding the Periods authorized by the said Acts; and it shall not be necessary before committing such Person or Persons to Prison to levy such Fines by Distress and Sale, or to use any legal Diligence for Recovery thereof.

Penalty for offering unwholesome Meat for Sale.

272. Every Person who sells or exposes for Sale, or keeps for the Purpose of Sale, any of the following Articles, shall be liable to a Penalty not exceeding Ten Pounds:

Any Animal or Part of an Animal which died from Disease:

Any Animal or Part of an Animal, or any Fruit or Vegetable, which is unsound or unwholesome, or unfit for Human Food:

Any blown, stuffed, or pricked Veal, Lamb, or other Meat.

Penalty for offering adulterated Provisions for Sale.

273. Every Person who knowingly sells or exposes for Sale, or keeps for the Purpose of Sale, any adulterated Butter, Meal, Bread, or other Article of Food, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for Want of Cleanliness in Meat and Provision Shops.

274. Every Occupier of any Premises used for the Sale of Butcher Meat, Poultry, Game, Fish, Butter, Meal, Bread, or any other Article of Food, who does not keep the same clean and in good Condition, to the Satisfaction of the Superintendent of Police or other Person appointed by the Commissioners for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

275. It

Superintendent may impound unwholesome Meat or adulterated Provisions.

275. It shall be lawful for such Superintendent or other Person appointed by the Commissioners for the Purpose to seize, impound, and convey to the Police Office any Animal, or Part of an Animal, or any Fruit or Vegetable, or any Meat or Beef, or any Article of Food, sold or exposed for Sale, or kept in any Place used for the Sale of such Article, in respect of which there is reasonable Ground for supposing that a Penalty has been incurred under any of the Provisions herein-before contained or Byelaws or Regulations herein-before authorized; and if such Penalty is imposed, it shall be lawful for the Magistrate to declare such Article forfeited.

Warrant may be granted by the Magistrate to search suspected Places for Animals which have died of Disease, &c.

276. It shall be lawful for the Magistrate, on a Complaint by the Superintendent of Police, to grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable Ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or any adulterated Butter, Meal, Bread, or other Article of Food, is kept or concealed with a view to Sale, although such Building or Part of a Building or other Place may not be ordinarily used for the Purpose of selling the same, and to search for, impound, and convey to the Police Office any such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food.

Penalty on Persons found in possession of such Animals, &c.

277. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or of any adulterated Article of Food, on the Execution of a Warrant by the Magistrate, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Magistrate, whether he imposes such Penalty or not, to declare such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food to be forfeited.

PART V.

SECTION IV.—*Hackney Carriages, Sedan Chairs, Carters, and Porters.*

Hackney Carriages to be licensed.

278. The Magistrates may from Time to Time license to ply for Hire within Five Miles from the principal Post Office of the Burgh such

such Number of Hackney Coaches or Carriages, of any Kind or Description, adapted to the Carriage of Persons, as they shall think fit.

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What to be Hackney Carriages.

279. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street, public or private, within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of the Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fees to be paid for Licences.

280. For every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Magistrates direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

281. Before any such Licence is granted, a Requisition for the same, in such Form as the Magistrates may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

282. In

What shall be specified in the Licence.

282. In every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence, which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Magistrates think fit.

Licences to be registered.

283. Every Licence shall be made out by the Clerk of the Magistrates, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage, and any Person may at any reasonable Time inspect such Book without Fee or Reward.

Licences to be in force for One Year only.

284. Every Licence so to be granted shall be signed by Two or more of the Magistrates, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Magistrates.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

285. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Magistrates, specifying in such Notice his new Place of Abode, and he shall at the same Time produce such Licence at the Office of the Magistrates, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

286. If

286. If the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended, as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for plying for Hire without a Licence.

287. No Person shall act as Driver of any Hackney Carriage, licensed in pursuance of this Act to ply for Hire within such prescribed Distance, without first obtaining a Licence from the Magistrates, which Licence shall be registered by the Clerk to the Magistrates, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended, as after mentioned.

Drivers not to act without first obtaining a Licence.

288. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended, as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

Penalty on Drivers acting without Licence.

289. In every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be judged guilty of the Offence alleged against him, such Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence

Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned.

Magistrates may endorse Convictions upon Licence.

Penalty on Proprietors for Neglect.

Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise Proprietor to summon them.

Compensation in case of Licence being improperly withheld.

290. When any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before a Magistrate to answer the said Complaint; and such Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Licences to be suspended or revoked for Misconduct.

291. The Magistrates may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

292. No Hackney Carriage shall be used or employed, or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "to carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be entitled to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Penalty for Neglect or for Refusal to carry the prescribed Number.

293. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the

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the Driver of any Hackney Carriage, or of any Stage Coach or Omnibus, shall carry a greater Number of Persons in or by such Hackney Carriage, Stage Coach, or Omnibus than the Number of Persons painted thereon, or shall refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for refusing to drive.

294. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Magistrates, or in any Street, public or private, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Magistrates, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

295. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

296. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Magistrate, to recover back the Sum paid beyond the proper Fare, and, moreover, such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

 297. If

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

297. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon, according to the Fare allowed by any Byelaw made under this Act.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

298. Every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding Forty Shillings; and on the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

Penalty for permitting Persons to ride without Consent of the Hirer.

299. Any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

300. No Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on Drivers misbehaving.

301. If the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person, by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Magistrate

Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

Penalty for leaving Carriages unattended at Places of public Resort.

302. If the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Magistrates before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Damage done by Driver may be recovered from the Proprietor.

303. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum, not exceeding Five Pounds, as appears to such Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to or obstructing any other Driver, or depriving him of his Fare.

304. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

305. If

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

305. If the Driver of any Hackney Carriage be summoned or brought before any Magistrate to answer any Complaint made on Information given by any private Person touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Byelaw made under this Act, and such Complaint or Information be afterwards dismissed, or if such Driver be acquitted of the Offence charged against him, such Magistrate, if he think fit, may order the Informer to pay to such Driver such Compensation for his Loss of Time in attending such Magistrate touching or concerning such Complaint or Information as to such Magistrate seems reasonable; and in default of Payment of such Compensation such Magistrate may commit such Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

Penalty for refusing to pay the Fare.

306. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before any Magistrate as a Penalty.

Penalty for damaging Carriage.

307. Any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Magistrates may make Byelaws for regulating Hackney Carriages.

308. The Magistrates may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; that is to say,

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Days and Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage corresponding with the Number of its Licence shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For

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For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

Regulations as to Omnibuses or Carriages plying within Burgh.

309. The Magistrates shall be empowered and they are hereby authorized to prevent within the Limits of their Jurisdiction the plying or running of Omnibuses or other Carriages for the Conveyance of Passengers which shall be in a State of Dis-repair or Insecurity, or not adapted in all other respects for the Conveyance of Passengers with Safety and Comfort, or drawn by Horses not sufficiently strong or in good Condition, or not sufficiently trained or broken-in, and that by imposing Penalties not exceeding for each Offence Five Pounds on the Owners or Contractors or Drivers of such Omnibuses or other Carriages which shall, on the Complaint of the Superintendent of Police, be found by the Magistrate before whom the same may be brought to be in an unsafe or unfit State for the Conveyance of Passengers, or not drawn as aforesaid; and the Magistrates are further empowered to make Byelaws for regulating the Number of Passengers to be carried by and Times of running of such Omnibuses or other Carriages, the Places at which the same shall stand, the Times at which the same shall start, and all other Matters tending to promote Regularity and public Convenience, and to enforce the same against the Proprietors or Conductors or Drivers of such Omnibuses and other Carriages, upon the Complaint of the Superintendent of Police or other Person appointed by the Commissioners, in like Manner and under a like Penalty.

For licensing Sedan Chairs, Carts, and Porters.

310. It shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Byelaws as they may think fit for licensing Sedan Chairs, Carts, Carters, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of such Chairmen, Carters, and Porters, for fixing and altering their Stands, and for ascertaining what Rates and Fares they shall be allowed to take, and to what Distances and under what Penalties they shall come in and through the Burgh, and also to make such Rules, Regulations, and Byelaws as they may think fit for licensing Chimney Sweepers, and for fixing their Charges, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Byelaws so to be made by them, and shall set down what Penalties

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shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of Forty Shillings for any One Offence.

PART V.

SECTION V.—*Brokers and Pawnbrokers.*

Brokers to be licensed.

311. From and after the Adoption of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker unless he shall have first obtained a Licence so to do from the Magistrates, which Licence such Magistrates shall have a discretionary Power of granting or refusing as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do, on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person applying for such Licence or a Renewal thereof shall pay to the Clerk a Sum not exceeding Two Shillings and Sixpence as the Expense attending such Application, and of recording the same, and the Deliverance of the Magistrates thereon, and of such Licence or Renewal, if granted, in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for each such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that it shall not be lawful for the Magistrates to grant any such Broker's Licence to any licensed Pawnbroker carrying on Business as such; but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act.

Brokers to furnish a Description of their Premises, and keep Books.

312. Every Person who shall apply to be licensed as a Broker shall, at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the Course of his Trade; and all Brokers shall enter in Books to be kept by them the Particulars of each Transaction in their Business, which Particulars should contain a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to keep such Book, or to enter

Penalty on failing to

enter therein the Particulars before mentioned, he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

make proper Entries.

313. All Articles purchased or received by such Brokers shall be kept by them in their Shops or other Places where their ordinary Business is carried on for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of or remove from his Premises as aforesaid any such Articles before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before a Magistrate, be liable to a Penalty not exceeding Five Pounds.

Brokers to retain Articles for Seven Days after having received them.

Penalty for Neglect.

314. Every Broker shall, at all reasonable Times, exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him, and having the Authority of a Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or upon Proof of Ownership, to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same ought or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Brokers to produce Articles on Demand.

315. Every

Pawnbroker to produce his Book, on Demand.

315. Every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police or Constable all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of Public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

316. If any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall, without unnecessary Delay, give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

317. If any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

318. It

318. It shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to carry on Business of Publicans, not to purchase Tickets of Pawnbrokers.

319. If any Pawnbroker shall act as a Broker, except in the Sale of Articles *bonâ fide* forfeited in accordance with the Provisions of the Pawnbrokers Act, or if any Broker shall receive or take any Goods or Articles in Pledge, such Pawnbroker or Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbrokers not to act as Brokers, and Brokers not to take Articles in Pledge.

320. It shall not be lawful for a Pawnbroker and Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds, which Penalty shall be in addition to any Penalty now payable for the like Offence under any Act or Acts now in force.

Pawnbroker and Broker not to carry on Business in the same Premises.

321. It shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

322. It shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each *Saturday* Night and Nine o'Clock in the Morning of the following *Monday*, or between Ten o'Clock in any other Night and Eight o'Clock on the following Morning; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business between certain Hours.

323. Any

Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

323. Any Pawnbroker or Broker who shall, either by himself or his Servant or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued by Authority of any Parochial Board or Charitable Institution, and legibly marked, or as known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

Pawnbrokers not to keep Smelting Pots.

324. Every Pawnbroker or Broker who shall keep or suffer to be in his Premises any Smelting Pot or Implement for melting, altering, or defacing Gold, Silver, Lead, or other Metals, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and such Smelting Pot or Implement shall be forfeited.

Brokers to have their Names painted over Shop Doors.

325. Every Person licensed as a Broker shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground, or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings.

Broker may detain suspected Persons offering Goods for Pledge or Sale.

326. It shall be lawful for any Pawnbroker or other Broker or Dealer, or any other Person to whom any Goods or Articles which shall be reasonably suspected to be stolen or illegally obtained shall be offered to be pawned, sold, or delivered, and he is hereby required to detain the Person offering the same, and for any Officer or Constable thereon to take such Person into Custody for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three lawful Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Magistrate shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained he may commit the Person charged to Prison, to be dealt with according to Law: Provided always, that the Superintendent or other Person on Duty at the Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his deter-

determining, in the Absence of the Magistrate or Procurator Fiscal, whether the Party shall be immediately discharged or liberated on Bail in manner herein provided; and further, provided that any Pawnbroker, Broker, or Dealer, or any other Person, who shall detain any Person under this Provision, shall be freed from Responsibility, unless Malice be averred and proved.

PART V.

SECTION VI.—*Articles found or stolen or fraudulently obtained.*

Goods or Money found to be reported at Police Office and Penalty if appropriated by Party finding.

327. All Goods, Parcels, Bank Notes, or Money, or other Articles found within the Burgh, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by the Person finding the same, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in the Burgh; and if any Person who shall find such Goods, Parcels, Bank Notes, Money, or Articles as aforesaid shall take possession thereof, and shall fail to report the same as aforesaid within Forty-eight Hours after such Possession, he shall be deemed guilty of an Offence, and be liable to a Penalty not exceeding Five Pounds; and if any Person who shall find such Goods, Articles, Parcels, Bank Notes, or Money shall take possession thereof, and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and be liable to a Penalty not exceeding Ten Pounds, besides restoring the same to the Owner thereof.

Goods stolen or fraudulently disposed of to be delivered up to Owner.

328. If any Goods or Articles shall be stolen or unlawfully obtained from any Person, or being unlawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods shall be found in the Possession of any Broker or other Dealer in Second-hand Property, or of any Person who may have advanced Money upon the Credit of such Goods, it shall be lawful to any Magistrate to issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person, and for the Production of the Goods or Articles; and the Ownership of such Goods or Articles being established to the Satisfaction of such Magistrate, he shall order such Goods or Articles to be delivered up to the Owner thereof, either with or without Payment of any Sum, and at such Time as the Magistrate shall think fit; and every Broker, Dealer, or other Person who, being so ordered, shall refuse or neglect to deliver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no Order shall be

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be final, and shall not prevent any Broker or Dealer from recovering Possession of such Goods by Action of Law from the Person into whose Possession they may have come by the Magistrate's Order, so that such Action be commenced within Three Months next after such Order shall be made.

How stolen or unclaimed Goods to be kept.

329. Where any stolen or unclaimed Goods or Effects may be brought to the Police Office, the Superintendent or other Officer of Police shall forthwith enter the same in a Book to be kept in the Police Office for that Purpose, with the Names of the Parties from whom taken or by whom pledged or brought to the Police Office, in which Book the Superintendent or other Officer of Police shall also enter the Date and Manner in which such stolen or unclaimed Goods shall be retained till disposed of.

Unclaimed Goods may be disposed of after Twelve Months.

330. Any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, shall be taken charge of by an Officer specially appointed in the Police Office; and it shall be lawful for any Magistrate, after the Expiration of Twelve Months during which no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money; and the Proceeds, after deducting Expenses, shall be applied to the Police Purposes of this Act.

PART V.

SECTION VII.—*Suppression of Vagrants.*

Vagrants, Beggars, &c. to be apprehended, and, upon Conviction, imprisoned.

331. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, or exposing Wounds or Deformities, or exposing Children of tender Age to the Inclemency of the Weather, or placing themselves or otherwise acting so as to induce or for the Purpose of inducing the giving of Alms, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood within the Burgh, and all Persons who, after having been convicted of Vagrancy, or of Housebreaking or Theft, are found in possession of any Picklock, Key, Crow, Jack, Bit, or other Implement usually employed in Housebreaking, or who, although not previously so convicted, are found in possession of any such Implement, or of any lethal Weapon, or in any Building or Part of a Building or other enclosed Space, for any unlawful Purpose, or who, after having been convicted of Housebreaking or Theft, are found in any public or private Street, or other Place, with Intent to commit any Penal or Police Offence, or in possession of any Article without being able to give a satisfactory Account of their Possession thereof; and

and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Sixty Days; and if any Money or Article be found upon their Persons, such Money or Article may be forfeited, and applied to the Purposes of this Act.

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332. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding Thirty Days.

Procedure to Persons sending out Children to beg.

333. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

Beggars and Vagrants to be handed over to the Parochial Authorities.

334. All Chain Droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who, by any fraudulent Art or Device, shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before a Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and

Penalty against Chain-droppers, Swindlers, &c.

 failing

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failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding Sixty Days.

PART V.

SECTION VIII.—*Public Bathing.*

Bathing Machines and Bathing.

335. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Burgh the Magistrates may make Byelaws for the following Purposes; that is to say,

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to Hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

PART V.

SECTION IX.—*Places of public Resort and disorderly Houses.*

Penalty on Victuallers entertaining Constables while on Duty.

336. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who knowingly harbours or entertains or suffers to remain in his House, Shop, Room, or Premises any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, or otherwise in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring disorderly Persons.

337. Every Person occupying or keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or other Premises, occupied or rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and Women

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Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour, to the Annoyance of the Inhabitants, any Prostitute or idle Rogue or Vagabond, such Person so offending shall for every such Offence be liable in a Penalty not exceeding Ten Pounds, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution for their good Behaviour for Twelve Months under a Penalty not exceeding Twenty Pounds, and in the event of such Security not being found, to adjudge the Person offending to Imprisonment for any Term not exceeding Sixty Days: Provided always, that if any Person shall be found guilty of any such Offence a Second Time, it shall be lawful for the Magistrates or any of them, on the Application of Three Householders or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed, occupied, or kept by him, and to impose such further Penalty on such Offender, not exceeding Twenty Pounds, with Costs, as to the Judge may seem fit.

Officers may enter Public Houses on hearing disorderly Noise therein.

338. The Superintendent of Police or any Constable shall have Power, by virtue of his Office, at any Time to enter any Building or Part of a Building, or other Place of the following Description, on hearing any disorderly Noise therein, or having Reason to believe or suspect that Persons accused or reasonably suspected of having committed any Offence in respect of which Imprisonment may be awarded, or that any Articles known or suspected to have been stolen or fraudulently obtained, are to be found therein; *viz.*,

Any Place used for the Purpose of Stage Plays or Dramatic Entertainments, or for any Public Show or Exhibition:

Any Singing or Dancing Saloon, Oyster Store, Fish Shop, Eating House, Coffee House, or other such Place:

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are sold, whether licensed or not:

Any common Brothel or House for the Reception of Prostitutes, or any House usually frequented by Thieves or loose and disorderly Persons:

Any Building or Part of a Building which is kept or used for a Purpose in respect of which a Licence is required by the Provisions of this Act:

Any Ship or other Vessel not being employed in Her Majesty's Service:

And if the Keeper of any such Building or Part of a Building or other Place, or any Servant or other Person having the Charge thereof, or the Master or other Person having Charge of such Vessel, shall not admit such Superintendent or Constable when required, such

such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors, or supplying Liquors to Persons under 14 Years of Age.

339. Any Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail who shall purchase or receive in Pawn any Article of Wearing Apparel, or Bed Clothes, or any Goods, as the Price or as Security for the Price of any fermented or distilled Liquors, shall be liable in a Penalty not exceeding Five Pounds, and in the Case of such Pawn the Article so received shall be restored to the Owner; and any Person licensed as aforesaid who shall supply any Sort of fermented or distilled Liquors to and for the Use on the Premises of such Person of any Boy or Girl apparently under Fourteen Years of Age shall be liable for the First Offence to a Penalty not exceeding One Pound, for the Second Offence to a Penalty not exceeding Two Pounds, and for a Third Offence to a Penalty not exceeding Five Pounds.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein.

340. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding One Month, without any Penalty being imposed; and the Magistrate may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequences to which he is liable for the Nuisance thereby occasioned.

Power to Superintendent, &c. to enter Gaming Houses, and seize Implements of Gaming.

Penalties.

341. It shall be lawful for the Superintendent or any Constable of Police, having good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House, to enter such House, Room, or Place, and, if needful, to use Force for the Purpose of effecting such Entry, and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein; and the Owner or Keeper of such Gaming House, or other Person having the Care or Management thereof, and also any Person who shall act in any Manner in conducting

PART V. *General Police Regulations.* Sects. 9, 10, 11.

conducting such Gaming, shall be liable in a Penalty not exceeding Fifty Pounds; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding Ten Pounds.

Proof of Gaming for Money not necessary in support of Prosecution.

342. It shall not be necessary in support of any Prosecution under this Act for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

PART V.

SECTION X.—*Clocks.*

Power to Commissioners to provide public Clocks.

343. The Commissioners may from Time to Time, as they shall see fit, provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner or Occupier, upon or against any private Building the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

PART V.

SECTION XI.—*Fires.*

Penalty for wilfully setting Chimneys on fire

344. Every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

345. If any Chimney within the Burgh catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant; and provided also, that

that such Person shall pay the Expenses incurred in extinguishing the Fire, as the same shall be fixed by the Magistrate.

Fire Engines may be provided, and certain Expenses to be recovered.

346. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit, and shall be entitled to recover from the Owners and Occupiers of the Premises where any Fires shall happen such reasonable Sums of Money as they shall consider just, not exceeding in the whole Fifteen Pounds, or whatever less Sum is equal to One Half of the actual Expenses of extinguishing any such Fire.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

347. The Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner and Occupier of the Premises where such Fire shall have happened shall in such Case jointly defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner or Occupier of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as any Debt may be recovered.

Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

348. The Party Walls of all Buildings erected after the Adoption of this Act shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Wall belongs; and all such Party Walls, and the external Walls of all Buildings erected after the Adoption of this Act in or near any Street, public or private, or within the Curtilage of any House adjoining

adjoining any such Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building having, at the Date of the Adoption of this Act, a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

PART V.

SECTION XII.—*Ventilation and Cleansing.*

Regulating Construction of Buildings intended as Places for Public Meetings.

349. Before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of Public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Thirty Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, has been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners; and with regard to such existing Buildings as are at the Adoption of this Act or may thereafter be used for any of the said Purposes, the Commissioners may cause the same to be inspected, and may direct such Means to be taken for their proper Ventilation as to them shall seem fit.

No Person to begin to build until Plan has been approved by Commissioners.

350. Provided always, if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of

If Commissioners fail to signify

their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

of any new Building, with respect to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

Persons may appeal against Determination of Commissioners.

351. Provided also, if the Owner or other Person so intending to build or the Owner of any existing Building be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner herein provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

No Cellars under the Height of 7 Feet from the Floor to the Ceiling to be let as Dwellings.

352. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever or any Vault or Underground Room (not being entirely open on One or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room, being an inner or back Vault or Cellar let or occupied along with a front Vault or Room as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the Adoption of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Commissioners have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the Burgh; and it

Cellars in Courts not to be occupied as Dwellings after Letting prohibited.

it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room; but any Person considering himself aggrieved by any such Prohibition may, within Ten Days after the same is made known to him, appeal against the same to the Sheriff in manner herein-after appointed with regard to Appeals under this Act.

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353. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Penalty on letting such Cellars as Dwelling Places.

354. The Owners of all common Stairs and common Passages shall have the same provided with proper Means of Ventilation to the Satisfaction of the Surveyor or Inspector of Cleansing, and shall whitewash or paint the same as often as required to do so by the Surveyor or Inspector of Cleansing, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than Six Months shall whitewash and properly cleanse such Premises, and every Part and Pertinent thereof, to the Satisfaction of the Inspector of Cleansing, at least once in the Year, or oftener if required by the Surveyor or Inspector of Cleansing, and any such Owner failing to do so shall be liable to a Penalty not exceeding Forty Shillings.

Common Stairs to be ventilated, and Houses let for short Periods to be cleansed.

355. The Occupiers of Dwelling Houses in common Stairs shall sweep, wash, and cleanse the Landing Places of the Flats or Storeys in which their Houses are situated, and the Steps leading from such Landing Places to the Flats or Storeys immediately below them, and also any intermediate Landing Place between such Flats or Storeys, at least once in every Week; and if there be more than One Occupier in each Storey or Flat, each Occupier shall sweep, wash, and cleanse such Landing Places and Stairs Week about by Turns; and such Occupiers shall at the same Time also sweep, wash, and cleanse the Passage and Stair, if any, leading from the lowest Step of such common Stair within the Premises to the Street; and any such Occupier who shall fail to sweep, wash, and cleanse as aforesaid shall for every such Failure be liable in a Penalty not exceeding Forty Shillings.

Common Stairs to be cleansed.

356. It shall and may be lawful, at all reasonable Times, for the Superintendent, Surveyor, or Inspector of Cleansing to enter all Dwelling Houses and other Premises, and their Pertinents, where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cleanse and purify the same, and

Inspector may enter and cleanse Dwelling Houses, &c., at Expense of Owners.

PART V. *General Police Regulations.* Sect. 12.

to remove such Filth therefrom, at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof, if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling House or other Premises shall object to the Entrance of such Surveyor or Inspector as aforesaid, it shall not be lawful for such Surveyor or Inspector to enter without a Warrant from the Magistrate authorizing him so to do.

Offensive Substances.

357. All Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or Inspector of Cleansing, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week, at the Sight of such Superintendent or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to such Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

PART V.

SECTION XIII.—*Slaughter-houses.*

Commissioners may license Slaughter-houses.

358. The Commissioners may provide and establish fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle, and for that Purpose may borrow such Sums of Money as they shall find necessary on the Security of the Police Assessment, and of the Rates to be taken and levied for the Use of such Shambles and Slaughter-houses, and of the Shambles or Slaughter-houses and Ground on which the same are erected, or on any One or more thereof, and they may also license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

359. No

359. No Place shall be used or occupied as a Slaughter-house within the Burgh unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

No Slaughter-houses in future to be erected without a Licence.

360. The Commissioners shall from Time to Time, by Byelaws to be made and confirmed in the Manner herein-after provided, make Regulations or Byelaws for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty in Slaughter-houses, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Byelaws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Violation of such Regulations or Byelaws the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the First Offence.

Commissioners may make Byelaws for Regulation of Slaughter-houses, &c.

361. The Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Byelaws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act; and such Magistrate, upon the Conviction of any Person for a Second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked.

Licence of Slaughter-houses may be suspended in addition to Penalty imposed.

362. Every Person who, during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the First Offence.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

363. If

If Commissioners provide Slaughter-houses, no other Places to be used.

363. If the Commissioners resolve to provide and establish, and do provide and establish, Shambles or Slaughter-houses, as herein provided, or in virtue of Powers contained in any Local Act, no Person shall thereafter slaughter any Cattle or Beasts, or scald or dress the Carcasses of any slaughtered Cattle, or cause the same to be done, within the Boundaries of the Burgh in which such Slaughter-houses are provided, or within a Distance of Two Miles beyond such Boundaries, elsewhere than within the said Slaughter-houses, under a Penalty of Five Pounds for each Offence; and to prevent Evasion of the Use of such Slaughter-houses, all Persons who shall, after such Slaughter-houses are provided, bring within the Boundaries of the Burgh, for Sale or Consumption therein, the Carcass or Part of a Carcass of any Cattle or Beast slaughtered beyond the Distance of Two Miles of the said Boundaries, shall, on their bringing such Carcass or Part of a Carcass within the said Boundaries, be liable in Payment to the Commissioners or their Collector for the Time being of the same Dues as shall at the Time be leviable for Cattle or Beasts slaughtered in such Slaughter-houses; and it shall and may be lawful for the Commissioners to demand and take, for the Use of the said Slaughter-houses, such reasonable Rate or Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review.

PART V.

SECTION XIV.—*Markets.*

Commissioners Powers as to Markets, &c.

364. The Commissioners shall have Power to do the following Things or any of them:

To improve any existing Market Places within the Burgh:

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To take Stallages, Rents, and Dues in respect of the Use by any Person of such Market House:

But no Market shall be established in pursuance hereof so as to interfere with any Rights, Powers, or Privileges enjoyed by any Person,

Person, Chartered Joint Stock or Incorporated Company, without his or their Consent.

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For the Purpose of enabling the Commissioners to establish Markets in manner foresaid, or to improve and regulate Markets already established in any Burgh, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws:

Subject to this Proviso, that all Tolls leviable by the Commissioners in pursuance of this Act shall be approved of by the Sheriff of the County within which such Market is situate.

PART V.

SECTION XV.—*Special Orders.*

As to certain Matters authorized to be done by the Commissioners by Special Order only.

365. Where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by Two Thirds of the Commissioners present at a Meeting whereof special Notice has been given, and has been confirmed by Two Thirds of the Commissioners present at a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if Householders remonstrate against the same.

366. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall, in such Advertisement and Notice, be made to some Place provided by the Commissioners where the Plan

PART V. *General Police Regulations.* Sect. 15.

or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Ratepayers; and if before the Expiration of such Month a Remonstance in Writing by Seven or more Householders against carrying into effect such Resolution or any Part thereof be lodged with the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect unless confirmed by a Majority of the Householders qualified and voting at the Poll to be taken thereanent; and upon such Remonstrance being lodged as aforesaid the Commissioners, or the Chief or Senior Magistrate of such Burgh, shall be bound to direct a Poll to be taken in the Manner prescribed in regard to Polls of Householders taken with reference to the Adoption of this Act; and the whole Enactments and Procedure provided in regard to such Polls shall, so far as applicable, extend and apply to the Poll hereby authorized and directed to be taken: Provided always, that where any such Remonstrance applies to Part only of such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit; but provided also, that if the said Resolution shall not be so confirmed, it shall be lawful to the Commissioners, as often as they shall think proper thereafter, but not sooner than One Year from the Date of any preceding Resolution, by such and the like Procedure again to adopt the same, but such Resolution shall always be subject to be confirmed by the Householders in the event of a Remonstrance being made there against, all in manner above provided.

Places for public Recreation;

367. The Commissioners may, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of Public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out, and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

and public Bathing Places and Drying Grounds.

368. The Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide, either within the Burgh, or at a reasonable Distance therefrom, suitable and convenient Premises to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all

all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants at such reasonable Charges and under and subject to such Regulations as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

PART V. *General Police Regulations.* Sect. 15.

369. Provided always, That the Number of Baths for the Use of the Working Classes provided by the Commissioners in any Burgh shall not be less than twice the Number of the other Baths of any higher Class.

Proportion of Baths for the Working Classes.

370. The Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Charges for the Use of Baths.

371. For the Recovery of the Charges at such Wash-houses and Drying Grounds, the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects, in or upon any such Wash-house or Drying Ground, of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

Recovery of Charges for the Use of Baths, &c.

372. A printed Copy or sufficient Abstract of the Byelaws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath-room, Bathing Place, and Wash-house.

Publication of Byelaws in regard to Baths, &c.

373. Whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

Sale of Baths, &c. on discontinuing them.

374. The

Commissioners may erect a Public Hall, &c.

374. The Commissioners may, by Special Order as herein defined, but not otherwise, resolve to acquire and may acquire Ground for the Erection of and may thereafter erect thereon a Public Hall and Offices, with all public Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof; and for that Purpose it shall be lawful to them to apply, for a Period not exceeding Twenty Years, the General Improvement Assessment hereby authorized to be levied, or such Portion thereof as they may think proper, towards the Expense of such Acquisition, Erection, furnishing, and fitting-up; and they shall be and are hereby authorized, upon the Security of the said General Improvement Assessment, to borrow, as herein-after provided with regard to the borrowing of Money for Police Purposes, such Sum as they may require for the Purpose.

PART VI.

POWERS AND REMEDIES.

SECTION I.—*Byelaws to be made by virtue of this Act.*

Byelaws.

375. The Commissioners may from Time to Time make such Byelaws as they think fit for the several Police Purposes for which they are by this Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Law of *Scotland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners and the Clerk, and, if affecting other Persons than the Officers or Servants of the Commissioners, be confirmed and published as herein provided.

Byelaws may be enforced by Imposition of Penalties.

376. The Commissioners, by the Byelaws so to be made by them, may regulate the Fees to be paid to them or to their Officers, or others employed by them in connexion with the Inspection of Plans, Records, or other Documents in their Possession, and with Applications for their Sanction or Authority to the Execution of Works to which by this Act such Sanction or Authority is requisite, and may further impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided always, that such Byelaws be so framed as to allow the Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or part only of such Penalty to be paid, or to remit the whole Penalty.

377. No

377. No Byelaw made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff and authenticated by his Signature; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he may think meet.

Byelaws to be confirmed.

378. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself, or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

Notice of Confirmation to be given.

379. For One Month at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaws shall be kept at the Office of the Clerk of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of proposed Byelaws to be open to Inspection.

380. Such Byelaws, when confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same at a Charge not exceeding One Penny; and a Copy thereof shall be painted or printed or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate, for a Period of not less than Three Months after the Date of such Confirmation; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Publication of Byelaws.

381. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Byelaws to be binding on all Parties.

382. The

Evidence of Byelaws.

382. The Production of a written or printed Copy of the Byelaws as confirmed by the Sheriff, certified by the Clerk, and a written or printed Copy of the Byelaws not requiring such Confirmation, authenticated by the Signature of the Clerk, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

Penalty on pulling down Boards.

383. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners, on which any Byelaw of the Commissioners is painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

PART VI.

SECTION II.—*Borrowing of Money for the Police Purposes of this Act.*

Power to Commissioners to borrow Money for the Purposes of this Act.

384. It shall be lawful for the Commissioners to borrow and take up, for any of the Purposes of this Act, other than the Construction, Alteration, or Maintenance of Sewers as herein-before provided, or for Repayment of any Monies borrowed for such Purposes under this or any former Acts which shall have fallen due to the Lenders thereof, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the said Purposes of this Act, it shall be lawful for the Commissioners and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, if the respective Rates of Assessment then leviable do not amount to the respective maximum Rates by this Act authorized, to assess all Owners or Occupiers of Premises within the Burgh respectively liable in the several Assessments under this Act in such additional Assessments beyond the Sums necessary for such respective Purposes as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed respectively, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can

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can be had for the same, in the Public Funds, or in any chartered or other Bank, or on Heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Moneys borrowed until the respective Debts shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rates of Assessment, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised, without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

385. No Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

As to Bonds to be granted.

386. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*,

'Number [*here state the Number*].

'BY virtue of an Act made in the Year of the Reign 'of Her Majesty Queen Victoria, intituled "An Act" [*specify this* '*Act*], I *A.B.* [*state whether Treasurer or Collector, or both*] of the 'Commissioners of Police for the Burgh of [*insert the Name of the* '*Burgh*], and by Authority of the said Commissioners, in consider- 'ation of the Sum of [*insert the Sum in Words*] instantly advanced 'and paid to me on account of the said Commissioners, and for the 'Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and 'oblige the said Commissioners for the Time being, out of the first 'and readiest of the Monies to be raised under the annual Assess- 'ments by the said Act authorized to be imposed and levied, and 'designated the Assessment or Rate (*as the Case may be*), 'to pay at the Term of [*insert Term of Payment*] to the said *C.D.*, 'his Executors or Assignees, the said Sum of [*state the Sum*], and also 'the

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'the Interest thereof at the Rate of [*insert the Rate of Interest*] per 'Centum per Annum from the Date hereof, at the Terms of Whit-'sunday and Martinmas in each Year, till the said Sum is paid; and 'for the further Security of the said *C.D.* I do hereby assign to him, 'his Executors or Assignees, such Proportion of the said Monies to 'be raised under the said annual Assessment as shall be equivalent 'to the said Sum now paid to me, and the Interest thereon as afore-'said from the Date hereof to the Term of Payment; and I consent 'to the Registration hereof in the Books of Council and Session, or 'others competent, for Preservation, and that all competent Diligence 'may pass and be directed hereon, in Form as effeirs, and thereto 'constitute my Procurators. In witness whereof '[*insert Testing Clause in common Form*].

'*K.L.*, Commissioner. *A.B.*'

'*M.N.*, Commissioner.'

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

Bonds may be transferred by Indorsement.

387. Such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; *videlicet*,

'I *C.D.*, within designed, do transfer this Bond, with all Right, 'Title, or Interest which I have under the same, to *E.F.*, his [*or* 'her, *or* their, *as the Case may be*,] Executors and Assignees. In 'witness whereof [*insert Testing Clause in common Form*].

'*C.D.*'

'*K.L.*, Witness.

'*M.N.*, Witness.'

Bonds to be recorded, and Assignations to be registered.

388. Before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Clerk of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer and Clerk; and the said Bond being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation.

389. It

389. It shall be lawful for the Commissioners acting in the Execution of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same, to make Advances to the Commissioners upon the Security of all or any of the Monies or Rates to be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments within a Period not exceeding Thirty Years as shall in each Case be agreed upon.

Public Loan Commissioners may lend Money.

PART VI.

Section III.—*Purchase and Acquisition of Lands.*

390. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act with respect to the Provisions thereof as to acquiring Lands by Agreement.

Part of 8 & 9 Vict. c. 17. incorporated.

391. The Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office.

Rights of Heritable Property how to be taken.

PART VI.

Section IV.—*Execution of Works by Commissioners.*

392. The Commissioners shall for the Police Purposes of this Act have Power, by themselves or their Officers, to enter at all reasonable Hours in the Daytime into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Forty-eight Hours Notice for that Purpose given to the Occupier.

Commissioners empowered to enter upon Premises for Purposes of this Act.

393. Every Person who shall at any Time obstruct the Commissioners, or shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any

Penalty on Persons obstructing Commis-

sioners or Constables in their Duty.

any Duty or the Performance of any Work, by virtue of this Act, or of any Warrant of the Magistrates, or any of them, or of any Bye-law, Regulation, or Order of the Commissioners, or shall aid or incite any Persons so to do, or shall not, when required by a Constable, afford him every reasonable Aid and Assistance in preventing the Escape of any Person whom he has taken into Custody, and is conveying to the Police Office or to Prison, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to rescue or attempt to rescue any Prisoner whom any such Constable, Officer, Watchman, or other Person shall have in Custody, or be aiding to secure such Person so offending, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Commissioners to give Notice of new Levels or Sewers.

394. Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to the Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time and Place where all Persons interested in such intended Work may be heard thereupon.

Meeting of Commissioners to hear Objections.

395. The Commissioners shall meet at the Time and Place mentioned in the said Notice to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at

at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection, or his Agent, has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

396. Any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff, in his Discretion, thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor, on the Hearing of such Appeal, shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and Appeal to the Sheriff.

397. And in respect to Appeal as to all other Matters and Things which the Commissioners are by the Police Provisions of this Act empowered to do or perform, or to authorize to be done or performed, and the Cost attending which falls by this Act to be provided for by way of Private Improvement Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office, or delivered personally, or at their Dwelling Houses, to the Individuals having Interest, as the Commissioners shall think proper; and

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and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that all such Appeals provided for in this and the immediately preceding Clause, and all other Appeals to the Sheriff allowed by this Act, not otherwise provided for, shall be disposed of summarily, and the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

Appeals to be disposed of summarily, and Decision of the Sheriff final.

PART VI.

SECTION V.—*Execution of Works by Owners.*

As to Service of Notice on Owners and Occupiers.

398. Where under this Act any Notice is required or falls to be given to the Owner or Occupier of any Premises in reference to the Police Purposes of the Act, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by Post, addressed to the Residence of such Owner.

Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses.

399. Whenever, under the Police Provisions of this Act, any Work of any Kind falls to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by such Owner or Occupier.

400. When-

400. Whenever Default is made by the Owner of any Premises in the Execution of any Work which by the Police Provisions of this Act falls to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due to such Owner.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent.

401. If the Owner of any Premises made liable by the Police Provisions of this Act for any Rate, Assessment, or Charge for the Repayment to the Commissioners of any Expenses incurred by them do not, as soon as the same become due and payable from him, pay such Rate, Assessment, or Charge, or repay all such Expenses to the Commissioners, the Commissioners may, without Prejudice to the Power herein-before contained, recover such Rate, Assessment, Charge, or Expenses, with the legal Interest thereof from the Time when the same was due and payable, from such Owner, in the same Manner as any Debt may be recovered by the Law and Practice of *Scotland*.

How Expenses are to be recovered from Owner.

402. The Commissioners may, by way of additional Remedy, require the Payment of all or any Part of such Rate, Assessment, Charge, or Expenses, and Interest, payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as the Police Assessment may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Assessment, Charge, or Expenses and Interest.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

403. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Rate, Assessment, Charge, or Expenses and Interest are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due

Occupier not to be liable for more than the Amount of Rent due.

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due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any Claim of Relief or otherwise competent to such Owner or Occupier respectively against each other under any special Contract made between them respecting the Payment of the Expenses of any such Works as aforesaid.

Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

404. Where any such Rate, Assessment, Charge, or Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment thereof, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; and all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Proceedings in case of Tenants opposing the Execution of this Act.

405. If the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Police Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Magistrate may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner, during the Continuance of such Refusal, shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Respecting existing Contracts for building

406. Nothing in this Act contained shall extend to or make void any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed, with

with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act, shall be ascertained by the Parties to the respective Agreements, and paid for or deducted, as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum, not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

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Respecting Contracts for Leases.

407. Nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreeement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

PART VI.

SECTION VI.—*Jurisdiction, and Recovery of Penalties.*

Jurisdiction of Magistrates of Police under this Act.

408. The Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations herein-before contained, or of any Byelaw made in virtue of the Police Provisions of this Act, and of any other Crime or Offence which is punishable by Public General Statute or Common Law, and is within the Jurisdiction of the Magistrates of any Royal Burgh, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in or for which he acts as such Magistrate or Dean of Guild.

Magistrates of Police may appoint Procurator Fiscal.

409. It shall be lawful for the Magistrates under this Act to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person or Persons to be Procurator Fiscal, for the Purposes of this Act, of the Burgh in which they

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they are Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of *Scotland.*

Interim Fiscal.

410. In the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other Cause, it shall be lawful for the Magistrate of Police presiding in the Police Court to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal, or in the Name of the Person so appointed *ad interim,* and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

411. All Actions, Prosecutions, and Proceedings for Crimes and Offences committed within the Burgh, or for the Recovery of Fines, Penalties, Forfeitures, or Expenses under the Police Provisions of this Act, the Mode of recovering which is not herein otherwise provided for, shall be sued for before the Magistrates of Police, in the Police Court, at the Instance of the Procurator Fiscal, to be appointed as herein authorized; and (with the Exception of Complaints against Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole Procedure before such Magistrates or any of them shall be conducted summarily *vivâ voce,* and without written Pleadings; and no other Record shall be kept of the Proceedings except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation, or Informality in the Warrant, Citation, or Execution.

Forms of Procedure to be framed.

412. The Magistrates of Police, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch such Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same,

same, in order that the Provisions of this Act may be carried into full Execution.

413. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet*,) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Certain Crimes not competent to be taken cognizance of in the Police Court.

414. Any Person found committing any Offence punishable either by Indictment or criminal Libel, or upon summary Conviction, under this Act, may, without a Warrant, be taken into Custody by any

Officers or Owners of Property on which Offences are

committed may take Offenders into Custody.

any Police Constable, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law; and any Police Constable may search any Premises, and may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained, or fraudulently carried away, may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently obtained or carried away.

Horse, Carriage, or Vessel of Persons taken into Custody may be secured.

415. When any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Constable, under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Four Days after such Detention, it shall be lawful for any Two Magistrates to order the Sale of any such Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner.

Limitation of Police Prosecutions.

416. All Actions, Prosecutions, or Proceedings for Recovery of Fines, Penalties, Forfeitures, or Expenses by virtue of the Police Provisions of this Act shall be commenced within Three Months from the Time the Facts on which such Actions, Prosecutions, or Proceedings were brought shall have been discovered and known, and not thereafter.

Superintendent in certain Cases may accept of Bail or Deposit.

417. Upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful for the Superintendent or other Officer of Police having charge in Absence of the Superintendent to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value

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Value to the Amount of the Bail fixed; and the Superintendent or other Officer of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent or other Officer of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent or other Officer of Police to any Claim for Damages, Wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrate.

418. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody, such Day not being a Sacramental Fast Day, or a Day set apart for a General Fast; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to the Police Cells or to Prison, when remanded for affording Time to find Bail, or for further Examination, or for Trial, such further Examination or Trial always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him at any Stage of the Examination or Trial to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, or from being otherwise excluded from the Jurisdiction of the Magistrate, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

419. This Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Police Provisions of this Act, or of any Byelaw made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused

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accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or, if such Party or Witness has no known Dwelling House, at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps, or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith, which Citation shall state the Nature of the Charge, and the Time and Place of Appearance.

Offenders removing from the Bounds of Police, how to be proceeded against.

420. Warrants granted by the Magistrate for apprehending or citing Persons charged under the Police Provisions of this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, if backed or endorsed by the Sheriff or any Justice of the Peace of the County within which the same shall be so executed: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of the Police Provisions of this Act.

Examination of Witnesses.

421. Where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecutions are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty for Witnesses not appearing.

422. If any Person who has been duly cited as a Witness to appear before the Magistrate, either on the Part of the Prosecutor or the Person charged with any Offence, fails to appear at the Time and Place for that Purpose appointed, the Magistrate may grant Warrant to take such Person into and detain him in Custody, or to commit him to Prison until he finds Security to appear and give Evidence, and may also sentence such Person to a Penalty not exceeding Five Pounds, and if it appears that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, the Magistrate may sentence such Person to be imprisoned for a Period not exceeding

exceeding Thirty Days; provided that Proof on Oath be made that he had been duly summoned at least Twenty-four Hours before the Diet of Court.

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Penalty for Witnesses refusing to give Evidence.

423. If any Person refuses to be precognosced or to give Information or Evidence touching or concerning the Subject Matter of any Penal or Police Offence, or at any Trial before the Magistrate refuses to be sworn or examined upon Oath, or, in case of a Quaker or other Person privileged by Law, to be examined upon solemn Affirmation, the Magistrate may grant Warrant to commit to Prison such Person for any Period not exceeding Thirty Days.

Witnesses prevaricating may be punished summarily.

424. If any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Sixty Days, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Declaration as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to remit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

In default of paying Fines Parties to be imprisoned.

425. The Magistrate may sentence any Person found liable in a pecuniary Penalty to Imprisonment until the same is paid, but in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days.

Power to order Offenders to find Caution or Imprisonment or Fine;

426. It shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds, and to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed Sixty Days.

or to find Caution in addition to Imprisonment or Fine.

427. It shall be lawful for the Magistrate, in addition to any Punishment by Imprisonment or Fine, to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment,

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Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution shall not then be found, it shall be lawful to sentence the Person ordained to find such Caution to be further detained in Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Ninety Days.

Warrant of Commitment.

428. In all Cases where Imprisonment takes place under the Powers of the Police Provisions of this Act, a short Extract of the Charge and Sentence, certified by the Clerk of the Police Court or his Depute, shall be a sufficient Warrant of Commitment: Provided always, that any Person sentenced to Imprisonment in consequence of Nonpayment of any pecuniary Fine, Penalty, Forfeiture, or Expenses, or for Want of Caution being found, or otherwise, may be detained in the Police Office or Police Cells for a reasonable Time to allow of such Extract being made, such Time not exceeding in any Case Twelve Hours.

Police Officers may be dismissed by the Magistrate.

429. It shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Proceedings not to be void for Want of Form, and Judgments to be final.

430. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension, or Advocation, or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and such Suspension, or Advocation or Appeal, or Review or Stay of Execution, must be presented before the next Circuit Court of Justiciary, or, where there are no Circuit Courts, before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions, which shall from Time to Time be prescribed by the said High Court of Justiciary.

431. Such

431. Such Suspension, or Advocation or Appeal, or Review or Stay of Execution, shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Magistrate requiring the Payment of any Penalty, unless on Consignment thereof in the Hands of the Treasurer, nor of any Order or Sentence of the Magistrate awarding Imprisonment, unless on sufficient Caution to the Satisfaction of the Magistrate for the Appearance of the Person appealing at such Time and Place as he shall direct; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Police Assessment authorized to be levied by this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in defending such Action subsequent to such General Meeting shall be defrayed out of the said Assessment.

No Suspension or Stay of Execution, &c. to prevent Payment of Penalties.

432. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Fines to be paid to the Clerk.

433. The whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid to the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Police Assessment; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall be applied to the same Purposes as the Police Assessment.

Application of Penalties.

434. When any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour or for keeping the Peace as aforesaid shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate,

For Recovery of forfeited Bail Bonds and Bonds of Caution.

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Magistrate, on Complaint by the Procurator Fiscal in the Police Court as aforesaid, to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk within Six Days after the Date of such Summons, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and in b' Cases accounted for by him, along with the Forfeitures, Penal and Fines to the Collector, and applied in the same Way and Me as Forfeitures, Penalties, and Fines are by the Police Provisions of this Act directed to be applied.

Cautioners in Bonds.

435. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark, in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Clerk of Police Court.

436. The Commissioners shall appoint a proper Person to be Clerk of the Police Court, who shall hold Office only during their Pleasure, and such Person may be the same Person who is Clerk to the Commissioners, and such Person may appoint, by a Writing under his Hand, a Depute, for whom he shall be responsible; and such Depute shall be invested with all the Powers appertaining to the Office of Clerk of the Police Court: Provided always, that the Commissioners shall fix the Salary to be paid to such Clerk.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

437. Wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature upon any Ground or in any manner of way whatever.

Jurisdiction of Sheriffs and Courts

438. No Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Sheriff or Court of Guild, where the Case

Case shall in the first instance have been brought before or taken up by such Sheriff or Court of Guild. of Guild to be preserved.

PART VI.

SECTION VII.—*Municipal Establishments of Burghs and Billet Masters.*

439. It shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments, and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration as aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Police Assessment leviable under the Provisions of any Local Act, or of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, if in force in such Burgh, or under this Act, is authorized to be imposed, levied, and recovered by the Commissioners. Assessments in Parliamentary Burghs having no Revenues.

440. It shall be lawful for the Magistrates of Burghs, and they are hereby authorized and required to appoint a Billet Master or Billet Masters for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of such Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of the Office; and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit. Billet Masters to be appointed.

PART VII.

Promotion of the Public Health.

Amendment of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Registration of Lodging Houses, and the Health of Towns, in* Scotland.

441. The Commissioners or Trustees of Police of Burghs shall, within the Limits of their respective Jurisdictions, be the Local Authority for the Purposes of "The Nuisances Removal (*Scotland*) Act, 1856," anything in the said Act notwithstanding. Commissioners or Trustees of Police of Burghs to be Local Authority.

442. The

Power of Entry to include Superintendent of Police, Medical Officer, and others.

442. The Power of Entry given by the Ninth Clause of the said recited Act to the Local Authority or Inspector shall include not only the Superintendent of Police but the Medical Officer of the Parish, or such other Officers as the Local Authority may desire to accompany them to inspect any private Premises where the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists.

Decree to prevent overcrowding of common Tenements, and Watercloset Accommodation may be ordered.

443. The Eleventh Clause of the said recited Act is hereby amended to this Extent, that the Decree therein mentioned shall also, if the Case requires it, ordain the Owner of any inhabited House, Building, or Part thereof which has been rendered unwholesome or unfit for Human Habitation by and through its being overcrowded, as the Author of such Nuisance, to limit the Number of separate Dwellings into which such common Tenement or Part thereof may be divided, or let to or for the Use of separate Families, and the Number of Persons who may be accommodated in such common Tenements, or such Parts thereof which may be let to or for the Use of separate Families; and the Word "Nuisances" under the said Act shall include "any overcrowding of an inhabited House, "Building, common Tenement, or Part thereof, insufficient in Size "for the Number of Persons inhabiting the same;" and the said Decree shall also, if the Case requires it, ordain the Owner, as the Author of the Nuisance, to provide sufficient Watercloset Accommodation (in lieu of Privy Accommodation) for the separate Use of the Sexes of the Inmates of such common Tenement or Parts hereof.

Water not to be fouled by any Person.

444. The Nineteenth Clause of the said recited Act is hereby amended to this Extent, that any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Sheriff may supersede Consideration of Complaint to permit regular Drainage Works to be carried out under Police Acts.

445. The Forty-third Section of the said Act is hereby amended to this Extent, that it shall be lawful to the Sheriff to supersede the Consideration, for such Time as he shall see proper, of any Complaint directed under the said Forty-third Section of the said Act, against the Commissioners of any Burgh which has adopted this Act, if he shall deem such just, to enable the Commissioners to carry out a regular System of Drainage under any General or Local Act, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

446. The

446. The Forty-fourth Section of the said recited Act is hereby amended to this Extent, that the Sheriff may, without Prejudice to any other Remedy under the said Act for the Recovery of Penalties, grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment thereof by the Party convicted within Eight Days after Conviction, for his Imprisonment for a Period, in the Discretion of the Sheriff, not exceeding Sixty Days.

Sheriff may grant Warrant for Recovery of Penalties and Expenses, and for Imprisonment if not paid.

447. All the Provisions of the last-recited Act, and all the Procedure therein prescribed, in regard to Proceedings before and to Appeals from any Judgment or Order of the Sheriff, shall apply to Proceedings before and to any Judgment or Order of any Magistrate or Justice of the Peace under the said Act.

Provisions for Appeals from Sheriffs to apply to Appeals from Magistrates.

448. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Burgh without the Consent of the Commissioners; and any Person contravening this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

Offensive Trades to be subject to Regulations.

449. Any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Part of this Act by a Reference to the Parts, Sections, or Clauses thereof, and to enact that the Parts, Sections, or Clauses so described, or that this Act, with the Exception of the Parts, Sections, or Clauses so described, shall be incorporated with such Act, and thereupon all the Parts, Sections, or Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Parts, Sections, or Clauses were set forth therein with reference to the Matter to which such Act relates.

Act may be incorporated, either in whole or in part, with any future Act.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Householders in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act*, within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff*,] of the yearly Rent or Value of £10 [*or* £6 *as the Case may be*] or upwards, are hereby required to meet upon the Day of next, at of the Clock, within , when the said Act shall be laid before the Meeting, with a view of adopting it in whole or in part.

Dated at , the Day of 18 .

(Signed) *E.F.*, Chief or Senior Magistrate, *or* Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Names of Voters.

SCHE-

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Names of Electors.
1.	2.		

SCHEDULE (D.)

Attestation by Collector, Application to Sheriff or Magistrate, and Warrant, to be written at the End of each Volume of the Roll or Book of Assessment.

(1.) *Attestation by Collector.*

I *A.B.* Collector of Police Assessments for the Burgh of do hereby certify, That this is the [First, Second, *or* Third, *as the Case may be,*] Volume of the Books of Assessments according to which the Police Assessments are leviable from the Persons and others therein named, for the Year from to ; that the said Assessments became due and payable on the Day of ; that certain of the Persons and others assessed in the said Book have failed to pay the said Assessments on or before the said Day of , notwithstanding of the same having been demanded from them by printed Notices from me, delivered to or left for them on the Premises assessed; and that the Persons and others named in this Volume who have so failed to pay the said Assessments are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date.

A.B., Collector.

[*Place and Date.*]

(2.) *Application to Sheriff.*

To the Honourable [the Sheriff of the County of *or* his Substitute, *or* the Magistrates of Police of the Burgh of , *or* the Magistrates of the Burgh of , *as the Case may be.*]

The Petition of *A.B.*, Collector of Police Assessments for the Burgh of ,

Humbly sheweth,

That by the Act [*or* Acts] of Parliament [*here refer to them*] certain Police Assessments are authorized to be levied in the Burgh of

That, in Terms of said Act [*or* Acts] Assessment Books for levying the said Assessments for the Year from to were made up and delivered to the Petitioner, in order to his levying and collecting the Sums set opposite the Names of the Persons and others respectively therein entered, of which Assessment Books this is the Volume.

That the said Assessments became due and payable on the Day of 18 .

That by the Attestation of the Petitioner, hereunto prefixed, it appears that certain of the Persons so assessed have failed to pay the said Assessments on or before the said Day of 18 , notwithstanding of the same having been demanded from them

them by printed Notices from the Petitioner, delivered to or left for them on the Premises assessed, and that the Persons named in this Volume who have so failed to pay are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at the Date of the said Attestation.

That the said Persons who have failed to pay the Police Assessments charged against them, or any Portion thereof, have incurred, in addition, a Penalty of One Penny upon each Pound of the Rental of the Premises in respect of which they are assessed, in Terms of the said Act [*or* Acts] [*here refer to them*].

That in these Circumstances it becomes necessary to apply to your Lordship [*or* Honours] for Warrant to the following Effect:—

May it therefore please your Lordship [*or* Honours] to grant summary Warrant against the Persons who have failed in Payment as aforesaid for Recovery of the said Assessments so remaining unpaid, and Penalty foresaid, and to authorize Messengers-at-Arms and Officers of Court to enter the Houses or other Premises of the Persons who have failed in Payment as aforesaid, and to seize, take possession of, and remove so much of the Goods and Effects therein as shall appear to such Messenger or Officer to be sufficient for satisfying out of the Proceeds of the Sale thereof the said Assessment remaining unpaid, and Penalty, with the Costs and Charges incurred or to be incurred in carrying into execution the Warrant which may be granted hereon against said Persons respectively; and to authorize the said Messenger or Officer, if the said Assessments and Penalty, together with said Costs and Charges, shall not be paid within Three Days next after Seizure is made as aforesaid, forthwith to sell the said Goods and Effects so seized by Public Roup, either on the Premises in which the same were so seized, or at the Market Cross of the said Burgh, or in such other Place as your Lordship [*or* Honours] may appoint, returning the Surplus of the Price, if any be, after Payment of the said Assessments and Penalty, together with the Costs and Charges incurred in carrying the said Warrant into execution, and of such Sale, to the Owner of the said Goods and Effects.

(Signed) *A.B.*, Collector.

(3.) *Warrant.*

(*Date*) The Sheriff *or* Sheriff Substitute, Magistrate of Police, *or* Magistrate, [*as the Case may be*,] having considered the foregoing Application and Attestation, grants Warrant as craved.

(Signed) *C.D.*

SCHE-

SCHEDULE (E.)

Name of Burgh _____

GENERAL SEWER RATE [*or* SPECIAL SEWER RATE and PRIVATE IMPROVEMENT ASSESSMENT, *as the Case may be*].

Description of Subjects.	Name of Owner.	Name of Occupier.	Rental.	Rate or Assessment due and chargeable at						
				15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .
General Sewer Rate -										
Special Sewer Rate -										
Private Improvement Assessment.										

Date _____ *A.B.*, Collector.

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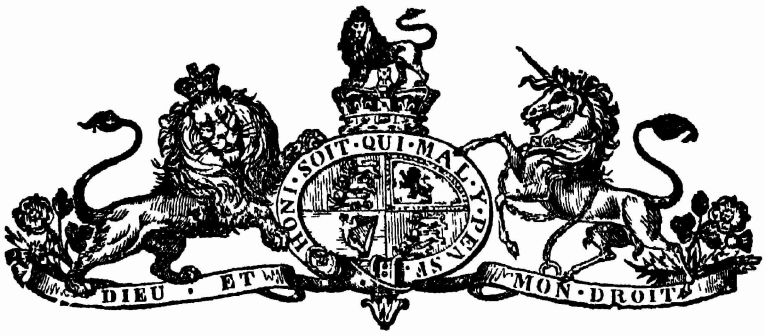

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Creek Works, and Part of Debt in respect of Ravensbourne Works, re-distributed and made payable out of Monies borrowed on the Security of the Main Drainage Rate.

Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twelve, did cause to be prepared and did approve of certain Plans for the Main Drainage and Sewage Interception of the Metropolis, and certain Sewers and Works included in and forming a Portion of the Plans so prepared and approved were constructed and completed by the said Commissioners or by the Metropolitan Board of Works; that is to say, the Sewers and Works known as the *Counters Creek* Diversion Works: And whereas the Cost of the said Works, amounting to the Sum of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings, was defrayed by Monies borrowed on certain Securities, which Securities and Monies are included amongst and form Part of the Securities and Monies enumerated in Schedule A. to this Act, and the Debt incurred in respect thereof was charged by the said Commissioners upon the following Sewerage Districts; *viz.*, the *Counters Creek*, *Ranelagh*, and *Fulham* and *Hammersmith* Districts, in certain Shares and Proportions, and has been apportioned by the Metropolitan Board of Works, pursuant to the One hundred and eighty-first Section of the firstly-recited Act, among the several Parishes or Parts of Parishes which heretofore constituted the said Districts, that is to say, *Paddington*, *Chelsea*, *St. Mary Abbott's Kensington*, *St. Margaret and St. John the Evangelist Westminster*, *Hammersmith*, *Fulham*, *Willesden*, *St. Marylebone*, *St. George Hanover Square*, *St. John Hampstead*, *Acton*, *Ealing*, and *Chiswick*: And whereas it is just and expedient that the Cost of and incidental to the Construction and Execution of the said Sewers and Works, amounting to the Sum aforesaid, should be deemed to be Part of the Expenses of and incidental to the Works which the said Metropolitan Board are by the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, empowered and directed to construct and execute for the Improvement of the Main Drainage of the Metropolis, and for preventing, as far as may be practicable, the Sewage of the Metropolis from passing into the River *Thames* within the Metropolis: And whereas certain other Works were executed by the said Commissioners, known as the *Ravensbourne* Works, and the Cost of such Works, amounting to the Sum of Twenty-six thousand five hundred and forty-five Pounds Sixteen Shillings and Fivepence, was defrayed out of Monies borrowed on certain Securities, which Securities and Monies are included amongst and form Part of the Securities and Monies enumerated in the said Schedule A. to this Act, and the Debt incurred in respect thereof was charged by the said Commissioners upon the following Sewerage Districts, *viz.*, the *Ravensbourne* and *Greenwich* Districts, in certain Shares and Proportions, and has been apportioned by the said Metropolitan Board of Works, pursuant

pursuant to the said firstly recited Act, among the several Parishes and Places or Parts of Parishes and Places which heretofore constituted the said Districts; that is to say, *St. Paul Deptford, Greenwich, Kidbrooke, Lewisham, Camberwell, Charlton, Eltham*, and *Lee:* And whereas the last-mentioned Works partly enure to the Benefit of the Metropolis at large, and it is just and expedient that a Portion of the Costs and Charges thereof, amounting to the Sum of Ten thousand Pounds, should be deemed to be Part of the said Expenses of and incidental to the Works which the said Metropolitan Board are empowered and directed to construct and execute under the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four: Be it therefore enacted, That the Debts incurred in respect of the Costs and Charges of the said *Counters Creek* Diversion Works, amounting to the said Sum of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings, and in respect of the said Portion of the Costs and Charges of the said *Ravensbourne* Works, amounting to the said Sum of Ten thousand Pounds, making together the Sum of Fifty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings, shall cease to be the special Debts and Obligations of the said Parishes and Places and Parts of Parishes and Places, and the same shall be deemed to have become, on the First Day of *January* One thousand eight hundred and fifty-six, transferred to and charged upon and shall stand charged upon the Metropolis at large, as defined by the said firstly recited Act, including the said Parishes and Places and Parts of Parishes and Places comprised within the Limits thereof; and all Sums becoming payable under or required for the Payment of any Security given for the Monies so borrowed to the Extent of the said Sums of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings and Ten thousand Pounds, or of any Interest due or to accrue thereon, shall be paid by the said Metropolitan Board of Works out of any Monies which they may have already borrowed and raised or may hereafter borrow and raise on the Security of the Assessments or Rates made or to be made by them for the Metropolis Main Drainage Rate under the Provisions of the said Act of the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four; and the said Board shall take an Account between the Parishes, Places, and Parts aforesaid originally charged with the said Debts and Obligations and the Metropolis at large to which the same are hereby transferred, and shall reimburse or give Credit to the said Parishes, Places, and Parts for any Sums which may have been overpaid by them or any of them on account of Principal or Interest in respect of the said Sums of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings and Ten thousand Pounds respectively (if any),

any), since the First Day of *January* One thousand eight hundred and fifty-six, beyond the Sums which would have been due from them or any of them if the Transfer and Apportionment hereby directed had been in force on the First Day of *January* One thousand eight hundred and fifty-six, and the said Board shall place any such Excess to the Credit of such Parishes, Places, or Parts, in reduction of their next or some future ordinary Assessment upon such Parishes or Parts, for defraying their Expenses in the Execution of the firstly recited Act.

Application of Part of Monies raised on Security of Metropolis Main Drainage Rate to Repayment of Sums expended on Victoria Street Sewer since 1st Jan. 1856.

2. And whereas at certain Times between the First Day of *January* One thousand eight hundred and fifty-six and the passing of this Act certain Works were executed by the said Metropolitan Board of Works for the Reparation and Reconstruction of Portions of One of the Main Sewers of the Metropolis known as the *Victoria Street* Sewer, and the Expenses of and incidental to the Execution of the said Works were charged by the said Board on certain Parishes in the Metropolis, which were heretofore included in the separate Sewerage Districts, known as the Eastern Division of the *Westminster* Sewers, the Western Division of the *Westminster* Sewers, and the *Regent Street* and *Regent's Park* District, in certain Shares and Proportions, and were paid by the said Board partly out of their general Funds and partly by Monies raised in some of the said Parishes: And whereas that Portion of the said Sewer in respect of which the said Works of Reconstruction and Reparation were executed will be incorporated with and form Part of the Main Drainage Works now in course of Execution by the said Board, under the Provisions of the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, and will enure to the Benefit of the Metropolis at large, and the Costs and Charges of executing the same ought to be borne by the Metropolis at large instead of by individual Parishes: Be it therefore enacted, That the Expenses of and incidental to the Execution of the said Works of Reparation and Reconstruction so executed by the said Board between the First Day of *January* One thousand eight hundred and fifty-six and the passing of this Act shall be deemed to be Part of the Expenses of and incidental to the Main Drainage Works which the said Board are empowered to construct and execute under the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four; and the said Board shall, out of the Monies borrowed and raised or to be borrowed and raised by them for the Metropolis Main Drainage Rate under the Provisions of the said Act of the Twenty-first and Twenty-second *Victoria*, Chapter One

One hundred and four, replace the said Monies taken from the general Funds of the said Board for the Payment aforesaid, and reimburse the Monies which the said Parishes or any of them may have paid towards the said Works of Reparation and Reconstruction between the First Day of *January* One thousand eight hundred and fifty-six and the passing of this Act; and the said Monies so to be applied in reimbursing the said Parishes shall be retained by the said Board, and shall be carried to the Credit of the said Parishes, in reduction, so far as the same will extend, of the next or some future Assessment upon such Parishes by the said Board for their Expenses in the Execution of the firstly recited Act.

Parishes, Parts, and Places on which Debt on Loan from the Clergy Mutual Assurance Society stands charged.

3. And whereas the said Metropolitan Commissioners of Sewers did, in exercise of the Powers vested in them by the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, borrow and take up at Interest from a certain Society known as the Clergy Mutual Assurance Society, on the Security of certain Rates authorized to be levied under the last-mentioned Act, the Sum of One hundred and forty thousand Pounds, and there was previous to the First of *November* One thousand eight hundred and sixty due and owing to the said Society from the Metropolitan Board of Works, as the Successors of the said Metropolitan Commissioners of Sewers, in respect of the said Loan, the Sum of One hundred and five thousand Pounds, and it is expedient accurately to ascertain and determine the several Parishes, Parts, and Places on which the Debt in respect of the said Sum of One hundred and five thousand Pounds shall stand charged, and on which Monies or Rates are to be raised or levied for the Payment of the Principal and Interest in respect of the same, and to ascertain and determine the Proportions charged upon each: Be it therefore enacted, That the said Debt of One hundred and five thousand Pounds shall be and stand charged upon and apportioned to the several Parishes, Parts, and Places enumerated in Schedule B. to this Act, in the several Proportions specified in such Schedule, and the said several Parishes, Parts, and Places shall be deemed to be and shall be liable to the Payment of the Sums set against their respective Names therein, and to the Payment of Interest thereon, and the Monies from Time to Time becoming payable under the said Security, or required for or towards Payment of the said Debt or any Part thereof, and the Interest thereon, shall be raised by such Board upon such Parishes, Parts, and Places respectively in manner provided in respect to the Expenses of such Board in the Execution of the firstly-recited Act: Provided always, that Credit shall be given for any Sums paid off in respect of the said Loan previous to the passing of this Act according to the several Proportions specified in the said Schedule.

4. Provided,

Saving Rights and Remedies of Persons holding Securities.

4. Provided, That nothing in this Act contained shall prejudice, abridge, diminish, or affect the Priority secured by the firstly recited Act to the Persons respectively entitled to the Mortgages, Annuities, Securities, and Debts referred to in the One hundred and eighty-first Section of that Act, and the First, Second, and Third Sections of this Act, or the Right of any or either of such Persons to require and enforce Payment of any Principal or Interest thereon, or in respect thereof, in, from, or out of all or any of the Districts, Assessments, Rates, or Monies liable to such Payment under or by virtue of their respective Mortgages or Securities, but all the Securities, Rights, and Remedies of such Persons respectively shall remain as good, ample, and effectual, to all Intents and Purposes, as if this Act had not been passed: Provided also, that nothing herein contained shall prejudice or affect the Power vested in the said Metropolitan Board under the firstly recited Act to borrow Monies for paying off former Securities.

Sums to be assessed by Metropolitan Board.

5. From and after the passing of this Act the One hundred and seventieth Section of the firstly recited Act is hereby repealed; and in lieu thereof be it enacted, That the Metropolitan Board of Works shall from Time to Time ascertain and assess upon the several Parts of the Metropolis the several Sums which, having regard to the annual rateable Value of the Property in such Parts respectively, ought to be charged thereon for defraying the Expenses of the said Board in the Execution of the firstly and secondly recited Acts and of this Act, and any such Sums may be assessed wholly or in part in respect of Expenses incurred or to be incurred, and also in respect of any unpaid Balance of any former Precept of the said Board: Provided always, that such Repeal shall not in any respect affect any Act, Matter, or Thing whatsoever done or commenced to be done under or by virtue of the said firstly and secondly recited Acts, or any Proceeding taken or to be taken under the thirdly recited Act, or to affect or prejudice, except as herein specially provided, in any way the Rights or Liabilities of any District or Part under the One hundred and eighty-first Section of the firstly recited Act, but the same shall be judged of in all respects as if this Act had not been passed.

Basis of Assessment.

6. For the Purpose of making any Assessment under the preceding Section the Board shall estimate the annual Value of Property according to the Estimate or Basis on which any County Rate in force in any Part of the Metropolis is made, or, where there is no such County Rate, according to a like Estimate or Basis.

7. All

7. All such Assessments to be made by the Metropolitan Board of Works shall be assessed and charged by the said Board upon the same Basis and in the same Manner as the County Rate is assessed and charged by the Justices under the Statutes in force for assessing and charging County Rates in *England* and *Wales*: Provided always, that all Precepts shall be issued and Rates levied by the said Board in manner directed by the several recited Acts relating to the better Local Management of the Metropolis and by this Act, so far as relates to making Precepts and levying Rates.

Mode of Assessment by the Metropolitan Board of Works

8. The Assessment of any Monies to be assessed by the Metropolitan Board of Works for the Expenses of executing the firstly and secondly recited Acts and this Act, and the Precepts for obtaining Payment of Monies required by the Board for that Purpose, may be according to the Forms contained in Schedule C. to this Act, or to the like Effect.

Assessments and Precepts of Metropolitan Board may be according to Forms in Schedule C.

9. The Vestry of any Parish mentioned in Schedule A. to the firstly recited Act, or the Board of Works for any District to whom any Precept of the Metropolitan Board shall be directed, may, if they shall see fit, pay to the Person or Body authorized by the said Metropolitan Board to receive the same the Sum required by such Precept, within such Time as may be therein mentioned, out of any Monies in their Possession at the Time of their receiving such Precept, or which may come into their Hands at any Time within Two Calendar Months next after the Service thereof; and all Payments so made by any Vestry or District Board shall be charged by them against and reimbursed to them out of the Monies which the said Vestry or District Board shall and which they are hereby required to raise and collect by virtue of such Precept.

Any Vestry or District Board may pay Precept of Metropolitan Board out of any Money in their Possession, and reimburse themselves out of Sewer Rate.

10. Where, by any Local Act of Parliament, the Poor Rate in any Parish in Schedules A. or B. to the firstly recited Act is made by the Vestry of such Parish at a fixed Period or Periods in every Year, it shall be lawful for such Vestry, at their Discretion, to include in the Sewers Rate for their Parish such Sum or Sums of Money as they may consider necessary to meet any Precepts received or to be received from the Metropolitan Board of Works during the Period for which such Poor Rate extends, to defray the Expenses of the said Board in the Execution of the said first-recited Act; and, at the Time of making such Poor Rate, also to make a separate Rate for the Metropolis Main Drainage, to meet the Precept received or to be received from the Metropolitan Board of Works for the Sum assessed for such Rate during the Year, such Rates to be levied in the same Manner, for the same Period, upon the same Persons, and to be subject to the like

Vestries may include in the Sewers Rate Precepts of Metropolitan Board.

like Provisions as the Sewers Rate by the first-recited Act, and to be contained in the same Book or Books as the Poor Rate of the said Parish, but distinguishing the Title of each of the said separate Rates or Assessments, and to be collected quarterly or otherwise by such Person or Persons as shall be appointed by the said Vestry to receive and collect the same: Provided, that nothing herein contained shall prevent the said Metropolitan Board of Works from requiring Payment, or relieve the Vestry of any Parish from the Payment, of the Sums assessed by such Board at such Times as they are now entitled by Precept to require the same.

Sums collected in Places in Schedule C. to 18 & 19 Vict. c. 120. beyond Amount of Rate for Main Drainage Rate, &c. to be placed to Credit of such Places.

11. Where, under or by virtue of any Rate or Assessment made by an Assessor appointed by the said Metropolitan Board of Works, for the Metropolis Main Drainage Rate, any Monies shall have been or shall be collected in any Place mentioned in Schedule C. to the firstly recited Act beyond the Amount required to satisfy the Amount of the Assessment of the said Board upon the said Place, and the Expenses of and incidental to the preparing, making, collecting, and levying such Rate or Assessment, the Excess shall be placed by the said Board to the Credit of such Place, on account of the next Assessment upon such Place by the said Board for the Metropolis Main Drainage Rate.

Payment of Sums assessed upon Places in said Schedule C.

12. For obtaining Payment of the Sum assessed upon any Place mentioned in Schedule C. to the firstly recited Act for the Metropolis Main Drainage Rate, the said Board shall issue a Precept under their Seal requiring Payment of the Amount mentioned in such Precept to their Treasurer, or into any Bank therein mentioned, within such Time or Times as may be therein limited, and every such Precept shall be directed to the Masters of the Bench, Treasurer, Governors, or other Body or Persons having the chief Control or Authority in any such Place; and the Body or Persons to whom any such Precept shall be directed shall raise and levy the Money required by the same by means of a separate Rate, in like Manner and subject to the like Provisions as the Sewers Rate to be made under the Provisions of the firstly recited Act and this Act; and the said Body or Persons may appoint One or more Persons to collect any such Rate, and may pay him or them such Salary, Poundage, or Allowance as they may deem just and reasonable, and may take such Security from every such Collector for the due Execution of his Duty as they shall think reasonable and proper; and the several Provisions herein-after contained with respect to the levying, paying over, and accounting for Monies levied by Collectors by Direction of any Vestry shall be applicable to every such Collector; and the several Enactments with respect to the levying of Monies by the said Metropolitan Board on the Default of

of Vestries and District Boards shall apply in case of a Default by the Body or Persons to whom any such Precept may be directed by the said Board to levy and pay over the Money therein named according to the Exigency thereof.

Metropolitan Board may amend Assessments and Precepts where necessary.

13. It shall be lawful for the Metropolitan Board of Works, in case of any Omission or other Inaccuracy in any Assessment or Precept which they have made or issued, to make such Amendments or Alterations therein as may render the same conformable to the Provisions of the recited Acts and this Act; and it shall be lawful for the said Board, should they deem it requisite and proper, to revoke any Precept which they may have issued, and to issue another Precept in lieu thereof.

Overseers to pay over and account for Monies to Vestries and District Boards.

14. Whenever any Vestry or District Board shall by their Order require the Overseers of any Parish or Place to levy and pay over the Sum or Sums of Money which such Vestry or Board may require, under the Provisions of the said recited Acts or this Act, such Overseers shall, within such Period after the levying of the said Sum or Sums or any Part thereof as the said Vestry or Board shall determine, pay over to the Treasurer of the said Vestry or Board, or to any Officer, or into any Bank in such Order mentioned, the Amount mentioned in such Order, and the Excess, if any, which may have been levied beyond such Amount, less the Expenses of and incidental to the making and collecting of the same, and shall make out and deliver to the said Vestry or Board a true and perfect Account in Writing signed by them, and duly audited by the Auditors appointed for such Parish or Place under the Provisions of the firstly recited Act, of all Monies and Rates received by them in pursuance of the said Order, and shall for such Purpose produce to the said Auditors the Vouchers, Counterfoils, or Receipts for all Payments made to or by them; and such Auditors shall, for the Purposes of the said Audit, have all and every the Powers and Authorities given to the Auditors named in the 195th Section of the firstly recited Act; and in case any Overseers shall fail to pay over such Monies or Rates as aforesaid, or to render such Account, or to produce such Vouchers, Counterfoils, and Receipts for the Space of Twenty-one Days after being thereunto required, they shall be subject to the Penalties mentioned and contained in the Sixty-fifth Section of the firstly recited Act: Provided always, that where the Term "Overseer" or "Overseers" shall extend to and include any Vestry elected under the firstly herein-before recited Act, or any Board of Trustees or Governors of any Parish or Place chosen under any Local Act now in force, the Provisions of this Clause shall not be applicable to such Vestry or Board of Trustees or Governors, so

long

long as the Orders of the Vestry or Board shall be duly complied with and satisfied; and in every Case in which the Vestry does not appoint a Collector or Collectors to collect such Rates, the said Overseers are hereby authorized to employ and pay One or more Collector or Collectors to collect all such Rates, and to take from every such Collector Security for his duly collecting such Rates, and paying over and accounting for the same, and such Security shall enure to the Benefit of the Overseers for the Time being of every such Parish or Place, who shall have all such and the same Remedies thereon as the Overseers to whom such Security was originally given.

Power to Metropolitan Board, Vestries, and District Boards to demand to be furnished with Copies of Poor Rate, &c.

15. It shall be lawful for the Metropolitan Board of Works, or for the Vestry of any Parish mentioned in Schedule A. to the firstly recited Act, or for any District Board, by Order in Writing, to require the Vestry Clerk, Overseer, Collector, or other Person having the Custody or Control of any Rate for the Relief of the Poor in any Parish or Place, or of any other Rate, or of any Book containing a Copy of any such Rate as aforesaid, to furnish, within such Period, not being less than Seven Days, as shall be limited in such Order, a true Copy of such Rate for the Relief of the Poor, or other Rate, or of such Copy thereof as aforesaid, or of such Part or Parts of the same as shall be specified in such Order, on Payment or Tender for such Copy at the Rate of Sixpence for every Twenty-four Names (inclusive of all the Particulars in the several Columns in the Rate, so far as such Particulars have reference to such Names respectively), and the said Copy shall be examined by and signed by such Vestry Clerk, Overseer, Collector, or other Person, and shall be verified by his solemn Declaration, if the said Metropolitan Board or Vestry or District Board shall require the same, which solemn Declaration any Justice of the Peace, or Commissioner duly authorized, is hereby empowered to administer; and any Person having the Custody or Control of such Rate, or Copy thereof, who shall refuse or neglect to make and deliver to such Metropolitan Board, Vestry, or District Board, or any Person by them authorized to receive the same, such Copy or Extract, or to make such solemn Declaration as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds for every such Offence, and to a further Penalty not exceeding Ten Pounds for each and every Day during which the said Offence shall be continued, to be recovered by a summary Proceeding.

Expenses incurred by Vestries named in Schedule B. in execution of Acts to be paid by District Boards.

16. Whenever the Vestry of any Parish mentioned in Schedule B. to the firstly recited Act shall have lawfully incurred any Expenses in the Execution of the said recited Acts or this Act, the Board of Works for the District in which such Parish may be situate shall, in case the Payment of such Expenses is not otherwise provided for, pay

pay and discharge the Amount of such Expenses out of the Monies which they are by the firstly recited Act authorized to raise for the Payment of the Expenses of the Execution of such Act.

Recovery of Monies assessed by Metropolitan Board on extra-parochial Property for Payment of Debts.

17. The Sums from Time to Time assessed by the Metropolitan Board of Works upon or in respect of any extra-parochial or other Property which was included in any separate Sewerage District under the Metropolitan Commission of Sewers, for or towards Payment of any Debt or Debts charged upon such District at the Determination of the said Act of the Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, or of any Interest thereon, for the Payment of which Provision is not otherwise made in the said recited Acts or this Act, shall be paid, on Demand, to the said Board, by the Occupier of the Tenements or Premises, or by the Person or Persons in receipt of any Tolls or Profits issuing out of any incorporeal Hereditaments in respect of which such Assessment shall be made, and every such Sum may be recovered by the said Board by an Action at Law or by a summary Proceeding before a Justice, at the Option of the said Board.

One Summons only to issue for the Recovery of Rates.

18. In any Proceedings before any Justice or Justices, by or on behalf of any Vestry, District Board, Overseer, or Collector, against the Occupier or Owner of any Premises, for the Recovery of any Rates assessed under the said Acts or this Act which may be in arrear, all the Rates for the Recovery of which such Proceedings shall be taken shall be included in the same Summons, and the Charge for such Summons shall not exceed One Shilling, and the Signature of any Justice or Justices to any such Summons may be either in Writing or by a Stamp affixed as such Justice or Justices may direct.

Parties lending Money to Metropolitan Board or Vestries or District Boards not bound to inquire into Application of Money, Regularity of Proceedings, &c.

19. Whereas by the firstly recited Act Power is given to the Metropolitan Board of Works and to any District Board or Vestry to borrow Money for the Purpose of defraying any Expenses incurred by them in the Execution of the said Act, on the Credit of all or any of the Monies or Rates authorized to be raised by them under the said Act: Be it enacted, That no Corporate Body or Person or Persons lending or proposing to lend Money to the said Metropolitan Board or any Vestry or District Board, under the Provisions of the said Acts or this Act, or of any Act or Acts for amending the same, or of any Act or Acts empowering them or either of them to borrow Money, shall be bound to see or obliged to inquire whether the Money lent or proposed to be lent is advanced for the Purposes of such Acts, nor to see or inquire into the Application of the Money so lent, or any Part thereof; nor shall any such respective Body or Person

or

or Persons be bound or required to ascertain that the Board or Vestry so borrowing, or the Meeting or Meetings of such Board or Vestry, was or were properly constituted or convened, or that the Proceedings at any Meeting were legal or regular; and the Common Seal of every such Board or Vestry impressed upon or affixed, pursuant to the Order or Resolution of such Board or Vestry, to any Mortgage, Bond, or other Instrument which may have been made or granted by the said Board or Vestry, shall be binding and conclusive on the said Board or Vestry by whom any such Mortgage, Bond, or other Instrument may have been so sealed and executed, and their Successors.

Public Loans Commissioners authorized to lend Money to Metropolitan Board, Vestries, &c.

20. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Metropolitan Board of Works, or to any Vestry or District Board, upon the Security of all or any of the Monies or Rates to be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments, within a Period not exceeding Thirty Years, as shall in each Case be agreed upon.

Power to stop up Carriage or Foot Ways, &c.

21. It shall be lawful for the said Metropolitan Board, and they are hereby authorized and empowered, during the Construction of any Works by them under the recited Acts or this Act, subject to the Provisions of such Acts, to cause to be stopped up all or such Part of the Carriage or Foot Way of any Streets, Roads, or Ways as shall be necessary for the due Execution of the said Works.

Power to Metropolitan Board to take Lands for Roads, &c.

22. The compulsory Powers of taking Land given to the said Metropolitan Board by the firstly recited Act, and the "Lands Clauses Consolidation Act, 1845," shall, subject to the Conditions and Restrictions in the firstly recited Act contained, extend and be applicable to the taking of any Lands which they may require for the Purpose of making convenient Roads or Ways to or in connexion with any Sewers or Works vested or hereafter to be vested in the said Board, or which they may require for making Roads or Ways during the Construction of any Sewerage Works, or for Spoil Banks or Places of Deposit of surplus Earth or other Materials in the Execution of any such Works.

Votes exceeding 20,000*l.* to be confirmed.

23. No Resolution made or passed after the passing of this Act by the said Metropolitan Board, authorizing the Expenditure upon or

or the Construction of any Works the estimated Cost of which shall amount to or exceed the Sum of Twenty thousand Pounds, shall be carried into execution or be deemed valid and binding until the same shall have been confirmed at a subsequent Meeting of the said Board duly convened.

Maintenance of Bridges, Culverts, &c.

24. When the said Metropolitan Board shall, in exercise of the Powers conferred upon them, have constructed any Bridges, Culverts, Arches, or Passages in connexion with any Sewers or Works, all such Bridges, Culverts, Arches, and Passages shall at all Times after the Construction thereof be maintained at the Expense of the said Board.

Formation and Maintenance of Bridges, Arches, Culverts, &c.

25. It shall be lawful for the said Metropolitan Board to make and maintain any Bridges, Arches, Culverts, Passages, or Roads over, under, or by the Sides of or leading to or from any Sewerage Works constructed or to be constructed by them, which they may deem necessary and convenient for preserving the Communications between Lands through which the said Works may have been or may be made or carried; provided that it shall be lawful for the said Board to contract and agree with the Owners and Occupiers of Lands to pay them or any of them Compensation in lieu of making or maintaining such Bridges or other Works.

Time limited for Completion of Works specified in Sect. 1. of 21 & 22 Vict. c. 104.

26. The Extension of Time authorized and directed by the Twenty-sixth Section of the thirdly recited Act, the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, shall be deemed to apply to the Sewers and Works mentioned in the First Section of that Act for the Improvement of the Main Drainage of the Metropolis, and for preventing, as far as may be practicable, the Sewage of the Metropolis from passing into the *Thames* within the Metropolis.

As to trapping of Gullies connected with Main Sewers.

27. No Gully or Ventilating Shaft immediately connected with or appertaining to, or which hereafter may be immediately connected with or appertain to, any Sewer vested in the Metropolitan Board of Works, shall be trapped, covered, or closed up without previous Notice in Writing being given to the said Board, nor if the said Board or their Engineer within One Week after the giving of such Notice shall express in Writing their or his Objection to the same.

Powers as to Sewerage not to be transferred

28. Notwithstanding the Provision contained in the Eighty-ninth Section to the firstly recited Act, relative to the Transfer by Vestries and District Boards to the Metropolitan Board of Works of

 their

to Metropolitan Board without Consent of that Board.

their Powers and Duties in relation to Sewerage and Drainage, it shall not be lawful for any Vestry or District Board to transfer to the Metropolitan Board of Works any such Powers or Duties without the previous Consent in Writing of the said Metropolitan Board.

Orders to be made by Committee on Appeals against Acts of Vestries and District Boards.

29. Under the Provisions of the Two hundred and eleventh and Two hundred and twelfth Sections of the firstly recited Act, empowering the Committee of Appeal of the Metropolitan Board of Works to hear and determine an Appeal against any Order or Act of any Vestry or District Board, the said Committee may allow or dismiss the Appeal, or quash or confirm or vary the Order appealed against.

Committee empowered to make Improvement Rates, &c. for Expenses of Works of private Improvement executed by the Commissioners of Sewers, and take other Proceedings in relation thereto.

30. In any Case in which the Metropolitan Commissioners of Sewers have incurred any Expenses authorized by the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, to be paid by an Improvement Rate, or as Charges for Default, it shall be lawful for the Committee of Appeal, appointed under and in pursuance of the Two hundred and twelfth Section of the firstly recited Act, to levy Improvement Rates or Charges for Default for the Recovery of the whole of such Expenses, or such Portion thereof as shall still remain due and unpaid, in the Manner directed by the said Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter One hundred and twelve, and the said Committee shall have all the Rights and Remedies for the Recovery thereof which are vested in the said Metropolitan Board in that Behalf; and if any Person liable to the Payment of any such Improvement Rate or Charges for Default fail to pay the same when due, or for the Space of Fourteen Days after the same shall have been lawfully demanded, the said Committee of Appeal may and they are thereby empowered to summon the Defaulter to appear before them to show Cause why such Improvement Rate or Charges for Default so in arrear should not be paid; and in case the Defaulter fail to appear according to the Exigency of the Summons, or if no sufficient Cause for Nonpayment be shown, the said Committee may by Warrant under the Seal of the Board cause the Amount of such Improvement Rate or Charges for Default so in arrear to be levied by Distress of the Goods and Chattels of the Defaulter.

Part of Sect. 58. of 18 & 19 Vict. c. 120. repealed.

31. So much of Section Fifty-eight of the said Act of the Eighteenth and Nineteenth of *Victoria* as provides that the Acts of every Committee shall be submitted to the general Body of the Board or Vestry appointing such Committee, for their Approval, shall be repealed so far as relates to the Metropolitan Board; and be it enacted in lieu thereof, That the said Metropolitan Board shall be at liberty

liberty to give such Instructions to any Committee appointed by such Board regulating the Conduct of any Business deputed to such Committee, and such Committee shall act in conformity therewith, and shall report to the Board all Acts done by them in conformity with such Instructions.

Communications between Sewers in different Parishes or Districts, and Payment of Compensation, &c. in consideration thereof.

32. Whereas it is in and by the firstly recited Act provided that the Metropolitan Board of Works shall from Time to Time, in order to secure the efficient Maintenance of the Main and General Sewerage of the Metropolis, make such general or special Orders as to them may seem proper for the Guidance, Direction, and Control of the Vestries of Parishes and District Boards in the Levels, Construction, Alteration, Maintenance, and Cleansing of Sewers in their respective Parishes or Districts, and for securing the proper Connexion and Intercommunication of the Sewers of the several Parishes and Districts, and their Communications with the Main Sewers vested in the said Metropolitan Board, and generally for the Guidance, Direction, and Control of Vestries and District Boards in the Exercise of their Powers and Duties in relation to Sewerage, and all such Orders shall be binding upon such Vestries and Boards: Be it enacted, That whenever the said Metropolitan Board shall, in exercise of the said Power, have ordered that any Sewer or Sewers vested in the Vestry, District Board, or other Body acting for any Parish or Place comprised in the Schedules of the firstly-recited Act, having Control over the Sewers in One Parish, District, or Part, shall, for the Purpose of Outfall or otherwise, be connected with any Sewer or Sewers vested in the Vestry or District Board of another Parish, District, or Part, or other Body having Control over the Sewers in such Parish, District, or Part, it shall be lawful for the Vestry, District Board, or other Body, for the Drainage of whose Parish, District, or Part such Connexion shall be required, and at whose Instance and Request such Order shall have been made, to execute all necessary Works as well within their own Parish, District, or Part as within any other Parish, District, or Part which shall be specified in the said Order of the Metropolitan Board for effecting such Connexion: Provided that every Communication to be made by any Vestry, District Board, or other Body with any Sewer out of their own Parish, District, or Part shall be made under the Supervision and to the Satisfaction of the Board, Vestry, or other Body having Control over such last-mentioned Sewer; and where it shall appear to the said Metropolitan Board to be equitable and just, under the Circumstances of the Case, that any Vestry, Board, or other Body so connecting their Sewers with the Sewers vested in another Vestry, District Board, or other Body should pay such last-mentioned Vestry, Board, or Body any Compensation or Remuneration, either in One Sum or by yearly or other Payments, for the Use of their Sewer, it shall be lawful for the said Metropolitan Board to order

order and direct Payment of such Compensation or Remuneration accordingly, and the Vestry, Board, or other Body to whom any such Payment shall be directed to be made may recover the same from the Vestry, Board, or Body directed by such Order to make such Payment, either by Action at Law or before a Justice of the Peace in a summary Manner.

Regulations as to breaking up Turnpike Roads.

33. The One hundred and fifty-seventh Section of the firstly recited Act is hereby repealed; and in lieu thereof be it enacted, That the Metropolitan Board of Works, and any Vestry or District Board may, where necessary for the Purpose of executing any Work authorized by the recited Acts or this Act, open and break up any Turnpike Road, under and subject to the Restrictions and Provisions herein-after contained; that is to say, Three Days previous Notice, with a full Description of any intended Works, shall be left at the Office of the Commissioners or Trustees of the Road, and, except by the Permission of the said Commissioners or Trustees, the Traffic of the Road shall not at One Time be stopped or hindered along more than Half of its Width, nor, if the Half left open be of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length, and the Party doing the Works shall cause all Openings in the Road to be effectually secured and fenced, and affix and maintain Lights during the Night near to the Place where the Ground is open, so as to prevent Accidents; and the said Commissioners or Trustees are hereby absolved from all Liability in respect of any Accident arising in consequence of such Works; and the Party doing the Work shall restore every Road so opened or broken up to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, shall pay to such Commissioners or Trustees, on Demand, such Sum as they shall require for such Purpose, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Kerbs, or Footpaths, and other Matters and Things connected with the Maintenance of the Road, and in default the Surveyor of the said Commissioners or Trustees may cause the necessary Work to be done; and in all Cases of Expense incurred by any such Surveyor on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

Plan, &c. of Works affecting Railways or Canals to be submitted to Companies.

34. Where any Works authorized by this or the recited Acts will interfere with any Railway or Canal, the Board or Vestry proposing to construct such Works shall before commencing the same give Notice in Writing of their Intention so to do to the Company owning such Railway or Canal, and shall, together with such Notice, deliver

deliver a Plan and Section showing the Nature of such Interference; and if within Seven Days after the Receipt of such Notice the Company shall by Writing, addressed to the Board or Vestry, object to the Manner in which it is intended to interfere with such Railway or Canal respectively, on account of the probable Interruption or endangering of the Traffic thereon, the same Works shall not be commenced; and it shall thereupon be referred to an Engineer, to be appointed by the Board of Trade, on the Application of either Party, to determine the Manner of executing the said Works, and the Determination come to by such Engineer shall be binding on both Parties.

Line of Railway not to be altered.

35. Provided always, That it shall not be lawful for any Board or Vestry to alter the Level of any Railway or Canal, unless with the Consent of the Company owning the same respectively, or, if that be refused, with the Consent of the Board of Trade; and provided also, that nothing in this Act contained shall take away or affect the Right of any Railway or Canal Company to Compensation for the taking or injuriously affecting of any Land or Property of such Company, or for or by reason of the Interruption of any Traffic on their Railway or Canal, or for any Damages, Costs, or Expenses which such Company may be required to pay in consequence of such Interruption.

Inspectors of Votes to appoint Umpire.

36. The Inspectors of Votes directed to be appointed under the firstly recited Act for any Parish, or, where any Parish is divided into Wards, for any Ward of a Parish, may, before commencing the Duties of their Office under the said Act, appoint by Writing under their Hands an Umpire; and in case the said Inspectors shall be unable to agree upon or determine by a Majority any Matter which they are by the said Act required to determine, such Matter shall be decided by the said Umpire, and his Decision in relation thereto shall be final and conclusive.

Vestries and District Boards may appoint their Days of Meeting.

37. Every Vestry and District Board constituted under the firstly recited Act, or this Act, may hold their Meetings on such Days of the Week, except *Sundays*, as they may from Time to Time determine, notwithstanding any Provision to the contrary contained in any Local Act; and any Business which, by any Local or other Act of Parliament, or Custom, should be done by any such Vestry on a certain Day, may be done at any Meeting of such Vestry duly convened for the Purpose, and held within Seven Days next before or after such certain Day as aforesaid: Provided that where the Hour or Time for holding such Meetings is fixed by the Local Act they shall continue to be held at the same Hour or Time.

 38. Notwith-

Certiorari for Auditors Allowances or Disallowances.

38. Notwithstanding anything in the One hundred and ninety-fifth Section of the firstly recited Act contained to the contrary, if any Person aggrieved by any Allowance, Disallowance, or Surcharge by any Auditors of the Accounts of any Vestry or District Board require such Auditors to state the Reasons for the said Allowance, Disallowance, or Surcharge, the Auditors shall state such Reasons in Writing in the Book of Account in which the Allowance, Disallowance, or Surcharge may be made; and it shall be lawful for every Person aggrieved by such Allowance, Disallowance, or Surcharge to apply to the Court of Queen's Bench for a Writ of Certiorari to remove into the said Court the said Allowance, Disallowance, or Surcharge, in the like Manner and subject to the like Conditions as are provided in respect of Persons suing forth Writs of Certiorari for the Removal of Orders of Justices of the Peace, except that the Condition of the Recognizance shall be to prosecute such Certiorari at the Costs and Charges of such Person, without any wilful or affected Delay, and if such Allowance, Disallowance, or Surcharge be confirmed, to pay to such Auditors or their Successors, within One Month after the same may be confirmed, their full Costs and Charges, to be taxed according to the Course of the said Court, and except that the Notice of the intended Application, which shall contain a Statement of the Matter complained of, shall be given to such Auditors or their Successors, who shall in return to such Writ return a Copy under the Hands of a Majority of them of the Entry or Entries in such Book of Account to which such Notice shall refer, and shall appear before the said Court, and defend the Allowance, Disallowance, or Surcharge so impeached in the said Court, and shall be reimbursed all such Costs and Charges as they may incur in such Defence out of the Funds of the Vestry or District Board respectively interested in the Decision of the Question, unless the said Court make any Order to the contrary; and on the Removal of such Allowance, Disallowance, or Surcharge the said Court shall decide the particular Matter of Complaint set forth in such Statement, and no other; and if it appear to such Court that the Decision of the said Auditors was erroneous, they shall, by Rule of the Court, order such Sum of Money as may have been improperly allowed, disallowed, or surcharged to be paid to the Party entitled thereto by the Party who ought to repay or discharge the same, and they may also, if they see fit, by Rule of the Court, order the Costs of the Person prosecuting such Certiorari to be paid by the Vestry or District Board to which such Accounts relate, as to such Court may seem fit, which Rules of Court respectively shall be enforced in like Manner as other Rules of the said Court are enforceable.

39. If

39. If any Person be returned to serve in any Vestry for more than One Ward, he shall on or before the next Meeting of the Vestry after such Election signify in Writing to the Clerk of such Vestry his Decision as to the Ward which he may desire to represent on such Return; and if before or at such Meeting he shall refuse or neglect so to do, the Vestry shall determine the Ward which he shall represent; and the Vacancy occasioned by such Determination or Decision shall be filled up by an Election to be held for that Purpose within One Month from the Date of such Determination or Decision, such Elections to be conducted in the like Manner as the annual Elections of Vestrymen.

Provision in case of a Vestryman being returned for more than One Ward.

40. The Thirty-fifth Section of the recited Act of the Eighteenth and Nineteenth *Victoria* is hereby repealed; and in lieu thereof be it enacted, That the Vestry constituted by the said Act in every Parish mentioned in the Second Column of Schedule B. to the same Act shall, on the First *Wednesday* in the Month of *June* in the Year One thousand eight hundred and sixty-three, and in every subsequent Year, elect so many Persons qualified by Rating and Occupation, as required by the same Act and the recited Act of the Nineteenth and Twentieth *Victoria* to be elected Vestrymen of such Parish, to be Members of the Board for the District in which such Parish is comprised, as may be necessary for supplying the Vacancies among the Members of such Board elected for such Parish occasioned by Expiration of the Term of Office of the Members going out of Office at the Time of such Election.

Elections to be held annually for supplying Vacancies occasioned by Expiration of Term of Office.

41. When at any Time, upon any Account taken of the Population by the Authority of Parliament, any of the Parishes within the Metropolis not now divided into Wards for the Purpose of electing Vestrymen shall be found to contain more than Two thousand rated Householders, it shall be lawful for the Metropolitan Board of Works, upon the Application in Writing of the Vestry, or of not less than Five hundred rated Householders of the Parish, to divide such Parish into Wards, and to determine and set out the Number, Extent, Limits, and Boundary Lines of such Wards, but so nevertheless that no Ward shall contain less than Five hundred rated Householders, and that the whole Number of Wards shall not exceed Eight; and the Metropolitan Board shall apportion among the several Wards the Number of Vestrymen to be elected for such Parish, and shall, in assigning the Number of Vestrymen to each Ward, have regard, as far as in their Judgment is practicable, as well to the Number of Persons rated to the Relief of the Poor in each Ward as to the aggregate Amount of the Sums at which all such Persons are rated; and the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three, and a Copy of the Particulars of such Division and Apportionment shall be forthwith transmitted to One of Her Majesty's.

As to Division into Wards when Parish contains 2,000 Houses.

Majesty's Principal Secretaries of State for his Approval, and also to the Vestry Clerk of the Parish to which such Division and Apportionment relate; and the said Particulars shall, within Seven Days after such Transmission, be published by the said Board in the *London Gazette;* and at the Expiration of not less than Two Calendar Months the said Secretary of State shall, if he approve of the same, publish the said Particulars again with his Approval affixed thereto in the *London Gazette;* but if the said Secretary of State disapprove of the proposed Division into Wards or Apportionment of Vestrymen, then he shall, subject, however, to all the above Limitations, make such other Division or Apportionment as in his Judgment shall be more conducive to a fair Representation in the Vestry of the Interests of the Ratepayers of the said Parish, and shall publish the Particulars of such fairer Division and Apportionment in the *London Gazette*, and the Parish shall, after such Publication by him in the *London Gazette*, be deemed to be divided into such Wards so determined and set out.

No Parish shall be annexed without previous Notice.

42. No Representation shall be made under the Two hundred and forty-ninth Section of the firstly recited Act, unless and until the Metropolitan Board of Works shall have given to the Churchwardens and Surveyors of Highways of the Parish to which such Representation relates Two Months Notice in Writing under their Common Seal of their Intention to make such Representation and of the Provisions which it is intended to propose in such Representation; and the said Churchwardens and Surveyors of Highways shall, immediately after receiving such Notice as aforesaid, summon a Vestry Meeting of the Parish, and submit such Notice to the Consideration of the said Meeting; and such Representation of the said Metropolitan Board shall be accompanied by a Copy of all Resolutions or Statements that may have been made to the said Board in Writing by the said Churchwardens and Surveyors of Highways, or either of them, by Direction of such Vestry Meeting.

Annual Report of Officer of Health.

43. The Officer or Officers of Health for each Parish or District shall make an annual Report to the Vestry or District Board of the sanitary Condition of the Parish or District, and upon the other Matters set forth in the One hundred and thirty-second Section of the firstly recited Act, and it shall not be necessary to append to the annual Report of the Vestry or District Board, to be made in the Month of *June* in each Year, a Copy of any other Report of such Officer or Officers than such annual Report.

Owners and Occupiers of Land may execute Works of

44. It shall be lawful for the Owners or Occupiers of any Land or Premises in any Parish, District, or Part within the Limits of the Metropolis as defined by the firstly recited Act, with the Consent and subject to the Regulations and Conditions herein-after mentioned, to

to construct Sewers at their own Expense for the Purpose of draining such Land or Premises; and it shall be lawful for any Vestry or District Board in whom the Sewers in any Parish, District, or Part are vested, if they shall deem it just and proper so to do, to contribute out of the Rates under their Control applicable to the Execution of Works of Sewerage to the Cost of any Sewers constructed for the Purpose aforesaid.

Drainage at their own Expense.

45. Any Vestry or District Board intending to construct any Sewer shall, before commencing any Works for that Purpose, submit to the Metropolitan Board of Works a Plan of the Street or Place in which it is proposed to construct such Sewer, drawn to such a convenient Scale or Scales as the said Metropolitan Board shall direct, and there shall be shown on such Plan the Position, Course, and Dimensions of the proposed Sewer, with a Section or Sections thereof, and such other Particulars in relation thereto as the said Metropolitan Board shall deem necessary and require, and no such Sewer or Works shall be proceeded with without the Approval in Writing or contrary to the Directions of the said Board.

Vestries, &c. to submit Plans of new Sewers to Metropolitan Board.

46. Three clear Days Notice in Writing shall be given to the Metropolitan Board of Works by any Vestry or District Board previously to the Connexion of any Sewer or Drain with a Main Sewer; and the necessary Junction or Communication for that Purpose shall be made by such Vestry or District Board to the Satisfaction of the said Metropolitan Board.

Communications with Main Sewers.

47. Every Person other than a Vestry or District Board intending to make or branch a Sewer, either into a Sewer vested in the Metropolitan Board of Works, or into a Sewer vested in any Vestry or District Board, shall in the first instance lay the Plan and Section thereof before, and apply for the Sanction of, the Vestry or District Board of the Parish, District, or Part in which such last-mentioned Sewers shall be situate; and no Sewer shall be begun to be made by such Person until the Sanction in Writing of such Vestry or District Board shall have been obtained.

Private Parties before branching Sewers into Main or District Sewers to apply for Sanction of Vestries, &c.

48. Before any Vestry or District Board shall sanction the Construction of any such Sewer they shall submit the Plan and Section thereof to the Metropolitan Board of Works for their Approval, in the same Manner as if such Sewer were proposed to be constructed by such Vestry or District Board; and no Vestry or District Board shall sanction the Construction of any such Sewer without the Approval in Writing of the said Metropolitan Board first had and obtained.

Vestries, &c. before sanctioning Sewers, to apply for Approval of Metropolitan Board.

49. All Persons intending to make or branch any Drain into a Sewer vested in the Metropolitan Board of Works shall, Seven clear

Seven Days Notice must be given

before Drains can be branched into Main Sewers.

Days before commencing any Works for that Purpose, make written Application to the Vestry or Board of the Parish, District, or Part in which such Sewer shall be situate, accompanied by a Plan showing such Particulars as may be required by any Byelaw or Resolution of the said Metropolitan Board; and no such Work shall be commenced until the Sanction in Writing of the said Vestry or District Board shall have been given.

Regulations as to Abandonment, Alteration, &c. of Designs for Sewers previously approved.

50. When it shall be desired to abandon either wholly or in part, or to extend, contract, or alter, any Design for a Sewer previously submitted to and approved by the Metropolitan Board of Works, Notice in Writing of such Desire shall be given by the Vestry or District Board by whom such Approval shall have been obtained to the said Metropolitan Board, accompanied by Plans and Sections showing the Nature of the Abandonment, Extension, Contraction, or Alteration desired; and no such Abandonment, Extension, Contraction, or Alteration shall be made without the previous Approval in Writing of the said Metropolitan Board; and no Person other than a Vestry or District Board shall abandon wholly or in part, or extend, contract, or alter in Construction, any Sewer approved or sanctioned by the Metropolitan Board of Works, without the previous Sanction in Writing of the Vestry or District Board in whose Parish or District the Works were intended to be executed, to be applied for and given in the same Manner as herein-before directed with respect to new Sewers.

In case Sewer be not constructed within 12 Months, fresh Application to be made.

51. In case any Sewer sanctioned and approved by the Metropolitan Board of Works as herein-before provided shall not be constructed or executed within Twelve Calendar Months from the Date of such Sanction or Approval, the Works for the Construction of such Sewer shall not be executed without a fresh Permission by the Metropolitan Board, and their written Sanction that the necessary Works for the Construction of such Sewer may proceed, to be applied for and obtained in manner herein-before provided with respect to the original Permission for the Construction of such Sewer.

Expense of constructing Sewers in new Streets and Streets laid out since 1st Jan. 1856.

52. Where any Sewer shall, after the passing of this Act, be constructed by any Vestry or District Board in or for the Drainage of any new Street, or of any House or Houses erected since the First Day of *January* One thousand eight hundred and fifty-six, the Expense of constructing such Sewer and the Works appertaining thereto, including the Cost of Gullies, Side Entrances, Lengths of Sewer at the Intersection of Streets, and other incidental Charges and Expenses, shall be borne and defrayed by the Owners of such Street or Houses, and of the Land bounding or abutting on such Street respectively, and the said Expenses shall be apportioned by the Vestry or District Board in such Proportions as they may deem just, and the Amount charged upon or payable in respect of each House or Premises shall be

be payable before the Works shall be commenced, during their Progress, or after their Completion, as the Vestry or District Board shall in each Case determine, either in One Sum or by Instalments, within such Period, not exceeding Twenty Years, as the Vestry or District Board shall direct; and any such Sum or Instalments shall be recoverable from the present or any future Owner of the said House or Premises either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Vestry or Board.

Expense of constructing Sewers where there had before been only open Sewers.

53. Where any Sewer shall be constructed by any Vestry or District Board in a Street in which previously to such Construction there had been no Sewer, or only an open Sewer, but where Sewers Rates have been levied previously to such Construction, the Expense of constructing such Sewer and the Works appertaining thereto, including the Cost of Gullies, Side Entrances, Lengths of Sewer at the Intersection of Streets, and other incidental Charges and Expenses, shall be borne and defrayed in part only by the Owners of the Houses situate in and of the Land bounding and abutting on such Street respectively; and the Amount to be borne by such Owners shall be determined by the Vestry or District Board in each particular Case, and the Residue of such Expenses shall be defrayed by the Vestry or District Board out of the Sewers Rates levied in their Parish or District; and the Amount so charged by the Vestry or District Board upon or in respect of each House or Premises shall be payable, either before the Works shall be commenced, during their Progress, or after their Completion, as the Vestry or Board shall in each Case determine, either in One Sum or by Instalments within such Period, not exceeding Twenty Years, as the Vestry or Board shall direct; and any such Sum or Instalment shall be recoverable from the present or any future Owner of such House or Premises either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Vestry or Board: Provided that no Street or Property in respect of which Sewers Rates have been levied for Five Years prior to the First Day of *January* One thousand eight hundred and fifty-six shall be subject to be charged under the Provision contained in this Section.

Land may be charged in a less Proportion than House Property.

54. In apportioning the Cost of constructing Sewers under the Provisions contained in the Two last preceding Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties, it shall be lawful for any Vestry or District Board to charge the Owners of Land bounding or abutting on any Street in a less Proportion than the Owners of House Property, should they, under the Circumstances of the Case, deem it just and expedient so to do.

Where estimated Expenses ex-

55. In any Case in which the estimated Expenses shall exceed the actual Cost of constructing Sewers under the Provisions contained in.

ceed actual Cost, Difference to be refunded by, and where less to be paid to, Vestry, &c.

in the said Two preceding Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties, then the Difference between such estimated Expenses and the actual Cost shall be repaid by the Vestry or Board to the Owners of the Houses or Premises by whom the Amount of any such estimated Expenses may have been paid; and in any Case in which the estimated Expenses shall be less than the actual Cost of constructing any Sewer or Sewers under the Provisions aforesaid, then the Owners of the said Houses or Premises shall, on Demand, pay to the said Vestry or Board such further Sum of Money as, together with any Sums already paid, will make up the Amount of the actual Cost; and the Vestry or District Board shall have all the same Remedies for the Recovery of such further Sum as are herein-before given for recovering any Expenses apportioned by Vestries or District Boards under the said Enactments.

Vestry or District Board may defray Part of Expense out of Sewer Rates.

56. It shall be lawful for the Vestry or District Board, should they deem it reasonable and just so to do, at their Discretion to defray, out of the Sewers Rates to be levied in their Parish or District, any Portion of the Expenses of and incident to the Construction of Sewers under the Provisions contained in the said Two Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties.

Appeal against Orders of Vestries, &c. as to Amount or Apportionment of Expenses.

57. Any Person who may deem himself aggrieved by any Order or Resolution of any Vestry or District Board in relation to the Expenses of constructing Works under the said Two Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties, or the Apportionment of such Expenses, may appeal to the Metropolitan Board of Works against such Order or Resolution, subject in all respects to the Directions and Provisions contained in the Two hundred and eleventh Section of the firstly-recited Act, and the Section of this Act relative to the Form of Order to be made by the Committee of Appeal of the Metropolitan Board of Works against Orders or Acts of Vestries or District Boards.

Execution of Works of Sewerage by Vestries and District Boards beyond the Limits of the Metropolis.

58. Whereas the Vestries of the Parishes mentioned in Schedule A. of the firstly-recited Act and District Boards are, by the Sixty-ninth Section of the said Act, subject to the Powers vested in the Metropolitan Board of Works, empowered to make, repair, and maintain Sewers vested in them, and to do and perform other Works and Matters as in the said Section is mentioned, and it is expedient to give increased Facilities to such Vestries and District Boards for the Execution and Performance of such Works and Matters: Be it therefore enacted, That whenever it shall be found necessary by the Vestry of any Parish mentioned in Schedule A. to the said Act, or by the Board

Board of Works of any District mentioned in Schedule B. to the said Act, for the Purpose of executing Works for any of the Purposes mentioned in the said Section, to carry any Sewer or Work beyond the Limits of the Metropolis as defined by the said Act, it shall be lawful for any such Vestry or District Board to execute Works in Parts situate beyond or without such Limits, and to cleanse, repair, and maintain such Works as they shall from Time to Time deem necessary: Provided always, that no Work shall be performed or commenced by any Vestry or District Board beyond the Limits of the Metropolis as above defined, except for the Purpose of continuing or forming Part of a Work commenced or executed within their respective Parish or District; nor shall any such Works be performed or commenced without the Consent in Writing of the Metropolitan Board of Works for that Purpose first had and obtained, nor without the Consent of the Vestry or District Board, or Authorities of the Parish or Place through which the Work may pass; but if any such Vestry or District Board or Authority shall refuse such Consent, One of Her Majesty's Chief Secretaries of State shall have Authority under this Act to decide whether such Consent ought to be withheld, and such Secretary of State may make such Order as to him shall seem just; but nothing herein contained shall apply to any Work for the Purpose of the Main Drainage of the Metropolis under the recited Acts: Provided also, that no new Sewer, either within or beyond the Limits of the Metropolis shall be made or executed by any Vestry, District Board, or other Body having Control over Sewers within the Metropolis without the previous Approval of the said Metropolitan Board.

Proviso.

59. The Provisions contained in the Eightieth Section of the firstly-recited Act, empowering Vestries and District Boards to order, at their Discretion, under the Circumstances therein mentioned, such Sums as they shall deem just to be paid and contributed by the Owners of Houses towards the Expense of the Construction of Sewers into which Drains from such Houses shall be made or branched, shall be extended, and the same are hereby extended and made applicable to the Metropolitan Board of Works with respect to Houses draining into Main Sewers constructed at the Expense of any Person or Body other than any Commissioners of Sewers, and which are vested in the Metropolitan Board; and the same Provisions are hereby extended and made applicable to all Sewers within the Limits of the Metropolis as defined by the firstly-recited Act, built since the First Day of *January* One thousand eight hundred and fifty-six, or which may hereafter be built at the Expense of any Person or Body other than the Metropolitan Board of Works, or any Vestry, District Board, or other Body having Control over Sewers within

Contribution to Cost of Main Sewers and Sewers built since 1st January 1856, or hereafter to be built.

within the Metropolis, into which House Drains may be made or branched; and the said Metropolitan Board, Vestry, District Board, or other Body, as the Case may be, may at their Discretion accept Payment of Contribution from the Owners of Houses draining into such Sewers respectively, either in One Sum or by Instalments within any Period not exceeding Twenty Years, with Interest after a Rate not exceeding Five Pounds by the Hundred by the Year, as the said Board, Vestry, or other Body shall in each Case determine, and shall on receipt of any such Contribution or Instalment pay over the same to the Person or Body entitled thereto; and every Sum payable to the said Board, Vestry, or other Body by way of Contribution to the Construction of Sewers shall be recoverable from the present or any future Owner of the said Premises either by Action at Law or before a Justice of the Peace in a summary Manner, at the Option of the Board or Vestry: Provided that nothing herein contained shall prejudice or affect the Right of Vestries and District Boards to demand and recover from the Owners of Houses and Land the Sums charged upon them by such Vestry and District Boards respectively under the Provisions contained in this Act.

Where Time is given for Payment of Contribution, the Metropolitan Board shall keep a Register.

60. In all Cases in which Time shall be given by the Metropolitan Board of Works, or by any Vestry, District Board, or other Body, for the Payment of any Contribution to the Cost of a Sewer as aforesaid, the Metropolitan Board of Works shall keep a Register of all such Orders for Contribution, which Register shall contain the Description of the Premises, the Amounts payable, the Periods for Payment, and other necessary Particulars; and such Register shall be open to Inspection by Parties interested during Office Hours without Payment of Fee or Reward; and every Vestry, District Board, or other Body giving Time for Payment of any such Contribution as aforesaid shall forthwith transmit to the said Metropolitan Board a Copy of their Order or Resolution in that Behalf made, and such other Particulars in relation thereto as the said Board may deem necessary and require.

Regulations respecting Openings into Sewers.

61. The Seventy-seventh Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That no Person shall make or branch any Sewer or Drain, or make any Opening into any Sewer vested in the Metropolitan Board of Works, or in any Vestry or District Board, without the previous Consent in Writing of such Board or Vestry: Provided that it shall be lawful for any Person, with such Consent, at his own Expense, to make or branch any Drain into any Sewer vested in such Board or Vestry, or authorized to be made by them or either of them under the firstly-recited Act

or

or this Act, such Drain being of such Size, Materials, and other Conditions, and branched into such Sewer in such Manner and Form of Communication in all respects, as the Board or Vestry shall direct or appoint: Provided also, that where any Contribution to the Cost of a Sewer is payable in respect of Drainage into the same, it shall not be lawful for any Person to make or branch any Drain into such Sewer, except in conformity with the Directions of the Board or Vestry in whom the same shall be vested with respect to Payment of Contribution under the Provisions contained in the firstly-recited Act and this Act in that Behalf; and in case any Person, without the Consent of the said Metropolitan Board, District Board, or Vestry as aforesaid, make or branch, or cause to be made or branched, any Sewer or Drain, or make any Opening into any of the Sewers vested in any such Board or Vestry, or authorized to be made by them as aforesaid, or if any Person make or branch, or cause to be made or branched, any Drain of a different Construction, Size, Material, or other Conditions, or in another Manner or Form of Communication than shall be directed or appointed by such Board or Vestry, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds; and the Board or Vestry may cut off the Connexion between such Drain and their Sewer, or if they shall see fit execute the necessary Works for making the said Drain conformable to their Regulations or Directions at the Expense of the Person making such Drain or causing the same to be made, such Expenses to be recovered either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Board or Vestry.

Reports as to underground Rooms occupied as Dwellings.

62. Every District Surveyor required to report by the One hundred and third Section of the firstly-recited Act shall, without Fee or Reward, report to the Metropolitan Board, and to every Vestry and District Board in the District in which such Surveyor may act, in the Months of *June* and *December* in each Year, and at all other Times when he shall be required so to do by any such Board or Vestry, all underground Rooms or Cellars occupied as Dwellings within the Meaning of the first-recited Act that are not built or constructed in conformity with the Rules contained in the said Section, and shall in such Report set forth the exact Locality in which such underground Rooms or Cellars are situate; and in any Proceedings taken to recover the Penalty under the said One hundred and third Section of the said Act, such Evidence as may give rise to a probable Presumption that some Person passes the Night in such Room or Cellar shall be Evidence, until the contrary be made to appear, that such has been the Case.

63. Whereas

Extension of Time under Sect. 76. of 18 & 19 Vict. c. 120. for making Orders by Vestries and District Boards.

63. Whereas by the Seventy-sixth Section of the firstly-recited Act it is provided that the Vestry or District Board shall make their Order in relation to the Matters therein referred to, and cause the same to be notified to the Person from whom the Notice mentioned in the said Section was received within Seven Days after the Receipt of such Notice, and it is expedient that the Time for making such Order should be extended: Be it therefore enacted, That where any Notice shall have been given to any Vestry or District Board pursuant to the said Section, it shall be lawful for the Surveyor of such Vestry or Board, if he shall deem it necessary and proper so to do, within Three Days after the Receipt of such Notice by the Vestry or District Board, by Writing under his Hand directed to and served upon the Person giving such Notice, to require that the Building or Works referred to therein shall not be proceeded with until after the then next Meeting of the said Vestry or District Board, and until their Directions in reference thereto shall have been notified to such Person, provided that the Order of the said Vestry or District Board shall be made and notified to the said Person at the latest within Fifteen Days after the Receipt of such Notice by the Vestry or District Board; and in case any Person shall proceed with any Building or Works contrary to this Enactment he shall forfeit and pay to the Vestry or District Board a Sum not exceeding Five Pounds, and also a further Sum of Forty Shillings for every Day during which such Offence shall continue, to be recovered by Action at Law or in a summary Manner at the Option of the Vestry or Board.

Where Parties neglect to carry out Works pursuant to Order of Vestry, the Vestry may recover Penalty or do the Works.

64. Whereas by the Seventy-third, Seventy-fourth, Seventy-sixth, Eighty-first, Eighty-fifth, and Eighty-sixth Sections of the firstly-recited Act, certain Works, Matters, and Things are required to be constructed, made, or executed on the Requisition of Vestries and District Boards by the Owners or Occupiers of the Premises therein referred to; and in case any such Owner or Occupier refuse or neglect to commence, proceed with, or complete the same, as the Case may be, the Vestry or District Board are authorized to perform and execute such Works, Matters, and Things, and recover the Costs incurred thereby in manner therein provided: Be it enacted, That in case of any such Neglect or Default by any Person or Persons to comply with the Order of any Vestry or District Board to execute any Works, Matters, or Things under any of the said Provisions, the Person or Persons so offending shall forfeit and pay to the Vestry or District Board a Sum not exceeding Five Pounds, and also a further Sum not exceeding Forty Shillings for every Day during which such Offence shall continue, to be recovered by Action at Law or before a Justice of the Peace in a summary Manner, at the Option of the Vestry or District Board; and the Vestry or District Board may at their

their Discretion either execute or perform any such Works, Matters, or Things, and recover the Costs and Expenses thereof from the Owner of the Property as aforesaid, or proceed for and recover the said Penalty or Penalties; but nothing herein contained shall render any Person or Persons liable to be proceeded against for the Penalty as well as for the Costs and Expenses of the Works.

Penalties in 18 & 19 Vict. c. 120. extended to Persons causing Offences.

65. The Penalties declared by the firstly-recited Act in the Case of Persons committing the Offences mentioned therein are hereby extended and made applicable to all Persons causing the Commission of any such Offences, or by whose Order or Direction any such Offences shall have been committed.

Temporary Provision for Drainage of Property where no proper Sewer within 200 Feet.

66. Whereas certain Property within the Limits of the Metropolis is so situate as to render it impracticable, or practicable only at undue Expense, to connect such Property with covered Sewers, and it is expedient that some temporary Provision should be made for draining such Property and abating the Nuisances existing thereon or caused thereby: Be it therefore enacted, That in any Case in which any House or other Building, whether erected before or after the passing of this Act, is without sufficient Drainage, and there is no proper Sewer within Two hundred Feet of any Part of such House or Building, it shall be lawful for the Vestry or District Board of the Parish or District in which such House or Building is situate by Notice in Writing to require the Owner of such House or Building to construct and lay from such House or Building a covered Drain to lead therefrom into a covered water-tight Cesspool or Tank or other suitable Receptacle, not being under a House or within such Distance from a House as the Vestry or Board shall direct, and to construct such Cesspool, Tank, or Receptacle; and the several Provisions in the firstly-recited Act with respect to the laying of House Drains at the Expense of the Owners of Property, and the Recovery of such Expenses of and the Penalties for any Omission in respect to the Performance of any such Works pursuant to the Orders of Vestries or District Boards in accordance with the Directions of the said Act, shall be extended to and apply to the making of such Cesspools, Tanks, Receptacles, and Drains, and the Orders of Vestries and District Boards in relation thereto and the Expenses thereof.

Vestries, &c. may compel Supply of Water for Houses.

67. If it shall appear to any Vestry or District Board that any House within their respective Parishes or Districts is without a proper Supply of Water, and that such Supply can be furnished to such House at a Rate not exceeding Threepence *per* Week, conformably with the Scale of Rates authorized to be charged by any Water Company within the Metropolis as defined by the firstly-recited Act,

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the said Vestry or District Board may give Notice in Writing to the Owner or Occupier of such House, requiring him, within a Time specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with, the said Vestry or District Board shall do such Works and recover the Expenses thereof from the Owner of the Premises as herein-after provided; and any Water Company shall, upon the Requisition of such Vestry or Board, supply with Water such House, and the Rates for the Supply of such House or Houses as aforesaid shall be due and payable by the said Owner, and shall be recovered by the Company as if such Owner had contracted with the Company for the Supply of such Water. In any Case where it shall appear to any Vestry or District Board that the existing Supply of Water to any House within their respective Parishes or Districts would be sufficient for such House if the same were inhabited by a lesser Number of Persons, but is insufficient by reason that the same is inhabited by numerous Persons (being more than One single Family), it shall be lawful for such Vestry or District Board to give Notice in Writing to the Occupier of such House, requiring him, within a Time specified therein, to obtain such further Supply (not exceeding a Supply at the Rate of Thirty Gallons *per* Day for each Person) as to them shall appear necessary, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with within the Time therein specified, it shall be lawful to take Proceedings for overcrowding, in the Manner provided by the "Nuisances Removal Act for *England*, 1855;" and upon Proof of the Fact that the Water Supply is not sufficient by reason of the Number of Persons inhabiting the said House (being more than One Family), it shall be lawful for the Justices to make the like Order and to inflict the like Penalty as in any other Case of overcrowding.

Penalty on Persons placing Buildings or Encroachments on Sewers.

68. Every Person who shall knowingly erect or place any Building, Wall, Bridge, Fence, Obstruction, Annoyance, or Encroachment in, upon, over, or under any Sewer under the Jurisdiction of the Metropolitan Board of Works, or of any Vestry or District Board, and every Person obstructing, filling in, or diverting any Sewer or Drain under the Jurisdiction, Survey, or Control of the Metropolitan Board, or of any Vestry or District Board, without the previous Consent in Writing of the Board or Vestry in whom the same may be vested, shall, in addition to any other Proceeding to which he may be liable therefor, forfeit and pay to such respective Board or Vestry a Sum not exceeding Twenty Pounds for every such Offence; and the Board or Vestry may demolish and remove any such Building, Wall, Bridge, Fence, Obstruction, Annoyance, or Encroachment, and perform any Works necessary for restoring or reinstating the Sewer or

or other Work or Thing damaged; and the Party erecting such Building, Wall, Bridge, Fence, or causing such Obstruction, Annoyance, or Encroachment, shall also pay the Expense of removing and abating them respectively, and of re-opening, restoring, repairing, or reinstating any Sewer or Drain obstructed, filled in, closed up, or diverted; and in case of a continuing Offence in any of the Cases aforesaid the Offender shall be liable to a further Penalty, not exceeding Five Pounds, for each Day after Notice thereof from the Metropolitan Board of Works, or from the Vestry or District Board, to be recovered by Action at Law or before any Justice of the Peace by a summary Proceeding, at the Option of the Board or Vestry: Provided always, that nothing herein contained shall extend to prevent or impede the Maintenance, Repair, or Renewal of any Buildings or Works under which a Sewer or Drain has been constructed, but so, nevertheless, that such Buildings or Works shall not injure or obstruct the said Sewer or Drain.

Penalty on Persons interfering with Sewers.

69. Any Person who shall take up, remove, demolish, or otherwise interfere with any Sewer or Part of a Sewer vested in the Metropolitan Board of Works, or in any Vestry or District Board, without the previous Permission in Writing of such Board or Vestry, or who shall wilfully damage any Sewer, Bank, Defence, Wall, Penstock, Grating, Gully, Side Entrance, Tide Valve, Flap, Work, or Thing vested in the Metropolitan Board or any Vestry or District Board, or do any Act by which the Drainage of the Metropolis or any Part thereof may be obstructed or injured, shall for every such Offence forfeit and pay to the said Metropolitan Board of Works, or to the Vestry or District Board aggrieved by any such Act, for every such Offence a Sum not exceeding Twenty Pounds, and shall also pay to such Board or Vestry all the Expenses of repairing, restoring, reinstating, or amending any Sewer or other Work or Thing so taken up, removed, demolished, damaged, or interfered with, to be recovered by Action at Law or before a Justice of the Peace by a summary Proceeding, at the Option of the Board or Vestry.

Vestries in Schedule A. and District Boards empowered to provide and maintain Drinking Fountains.

70. The Vestry of any Parish mentioned in Schedule A. to the said firstly-recited Act and any District Board may provide and maintain Drinking Fountains in such convenient and suitable Situations as they may deem proper, and may undertake the Maintenance of any Drinking Fountain already erected within such Parish or District, and supply the same with Water and defray the Expenses thereof; and any Expenses incurred by any Vestry or District Board in providing or maintaining any such Fountains or supplying the same with Water shall be paid out of the general Rate authorized to be raised and levied under the firstly-recited Act; and any Person guilty of

of wilfully fouling the Water in any Drinking Fountain so erected or maintained, or of wilfully damaging any of the said Fountains, or any Part thereof, shall forfeit and pay to such Vestry or District Board for every such Offence a Sum not exceeding Five Pounds, to be recovered by a summary Proceeding, and shall also pay to such Vestry or District Board the Expenses of repairing or reinstating any such Fountain, or any Part thereof, so injured as aforesaid.

Income of Estates, Property, &c., subject to Trusts for Repair of Highways, to be paid over to Vestry or District Board.

71. All Property, Rights, Matters, and Things whatsoever which before the passing of the firstly-recited Act were vested in any Surveyor or Surveyors of Highways in connexion with their Duties and Powers as such Surveyor or Surveyors, transferred by that Act to any Vestry or District Board, shall be deemed to have become transferred to and to have vested in such Vestry or District Board by virtue of the said Act; and so much of the yearly and other Income of all Estates, Property, and Effects of whatsoever Description so vested and transferred as aforesaid as is or may be subject to any Use or Trust for or in respect of and applicable to the Repair of any Highways within the Metropolis shall be applicable to the Repair, Maintenance, and Improvement of the Highways within the Metropolis under the Provisions of the said Act, and shall from Time to Time be accounted for and paid over to the respective Vestries and District Boards, and be applied by them for the Purposes of the Highways within their Parishes and Districts, in the same Manner as the same could lawfully have been applied before the passing of the said Act.

Vestries and District Boards may, with Consent of Metropolitan Board, effect Improvements within their Parish or District.

72. The Vestry of every Parish mentioned in Schedule A. to the firstly-recited Act, and the District Board of every District, shall, with the previous Consent in Writing of the Metropolitan Board of Works, have Power within their respective Parish or District to make, extend, widen, alter, or improve any Street, Road, or Way, or any Bridge over a Canal traversing any Part of such Parish or District, for the Purpose of facilitating Passage and Traffic, or for any other public Purpose; or to contribute and join with the Metropolitan Board, or with any other Body or Persons, in any such Improvements; and to take by Agreement or Gift any Land, Right in Land, or Property for the Purposes aforesaid, or any of them, on such Terms and Conditions as they may think fit; and for the Purposes aforesaid it shall be lawful for any Vestry or District Board, should they see fit, to take down the present Bridges over Canals within their Parish or District, and to erect others in their Place and Stead, or to erect new Bridges over such Canals in such Situations as they may deem beneficial, and from Time to Time to repair and maintain such existing or new Bridges, and to indemnify the

Canal

Canal Company or other Body or Persons interested in such Bridges against the future Repairs and Maintenance of any such Bridges; and the Expenses incurred by any Vestry or District Board in any such Improvements shall be paid out of the general Rate authorized to be raised in their Parish or District under the firstly-recited Act: Provided that no such Extension, Widening, Alteration, Improvement, taking down, or Re-erection of any existing Bridge over any such Canal, or the Erection of any new Bridge over the same, shall be made without the previous Consent in Writing under their Common Seal of the Company owning such Canal, and the Provisions of the One hundred and seventh Section of the firstly-recited Act shall remain in force and be applicable to this Enactment: Provided also, that it shall be lawful for any such Vestry or District Board, under the Provision contained in the One hundred and eighty-third Section of the firstly-recited Act, to borrow and take up at Interest on the Credit of all or any of the Monies or Rates authorized to be raised by them under that Act any Sums necessary for defraying the Expenses of any such Improvements: Provided, that nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any Bar, Gate, Rail, or other Fence fixed for preventing any Thoroughfare into or from any Square, Street, or Way, without the Consent of the Proprietor of the Estate or Property upon which such Bar, Gate, Rail, or other Fence, Square, Street, or Way shall be situate: Provided that this Enactment shall not limit the Powers in force given by the Act next herein-after referred to, or by any Local Act.

Act as to paving and improving Parts of Metropolis to extend to Metropolis as defined by this Act.

73. The Powers of improving and regulating Streets and for the Suppression of Nuisances contained in the Act of the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, Chapter Twenty-nine, Local and Personal, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, shall, so far as the same is in force, and is not inconsistent with the Provisions of the recited Acts and this Act, extend and apply to the Metropolis as defined in the firstly recited Act and in this Act, including any unpaved Streets, and notwithstanding any Exceptions therein contained.

Buildings projecting beyond general Line when taken down to be set back.

74. In case any Building, situated within any of the Parishes, Districts, or Places comprised in the Schedules of the firstly-recited Act, which shall in any Part thereof project beyond the general Line of the Street in which the same may be situate, or beyond the Front of the Building, Wall, or Railing on either Side thereof, shall at any Time be taken down to an Extent exceeding One Half of such Building, such Half to be measured in Cubic Feet, or shall be destroyed by Fire or other Casualty, or demolished, pulled down, or removed from any other Cause to the Extent aforesaid,

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it shall be lawful for the Metropolitan Board of Works to require the same to be set back to such a Line and in such a Manner for the Improvement of any Street as the said Board shall direct; provided that the said Board shall make Compensation to the Owner of such Building for any Damage and Expenses which he may sustain and incur thereby: Provided also, that this Section shall not apply to any Building in the Places mentioned in Schedule (C.) to the Metropolis Local Management Act which does not abut upon any public Street or Place.

Mode of proceeding with regard to Buildings beyond Line of Street.

75. The One hundred and forty-third Section of the first-recited Act, and the One hundred and fortieth Section of the Act passed in the Seventh Year of His Majesty King *George* the Fourth, Chapter One hundred and forty-two, intituled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis North of the River* Thames, are hereby repealed; and in lieu thereof be it enacted, That no Building, Structure, or Erection shall, without the Consent in Writing of the Metropolitan Board of Works, be erected beyond the general Line of Buildings in any Street, Place, or Row of Houses in which the same is situate in case the Distance of such Line of Buildings from the Highway does not exceed Fifty Feet, or within Fifty Feet of the Highway when the Distance of the Line of Buildings therefrom amounts to or exceeds Fifty Feet, notwithstanding there being Gardens or vacant Spaces between the Line of Buildings and the Highway, such general Line of Buildings to be decided by the Superintending Architect to the Metropolitan Board of Works for the Time being; and in case any Building, Structure, or Erection be erected, or be begun to be erected or raised, without such Consent, or contrary to the Terms and Conditions on which the same may have been granted, it shall be lawful for the Vestry of the Parish or the Board of Works for the District in which such Building or Erection is situate to cause to be made Complaint thereof before a Justice of the Peace, who shall thereupon issue a Summons requiring the Owner or Occupier of the Premises, or the Builder or Person engaged in any Work contrary to this Enactment, to appear at a Time and Place to be stated in the Summons to answer such Complaint; and if at the Time and Place appointed in such Summons the said Complaint shall be proved to the Satisfaction of the Justice before whom the same shall be heard, such Justice shall make an Order in Writing on such Owner or Occupier, Builder, or Person, directing the Demolition of any such Building or Erection, or so much thereof as may be beyond the said general Line so fixed as aforesaid, within such Time as such Justice shall consider reasonable, and shall also make an Order for the Payment of the Costs incurred up to the Time of Hearing; and in default of the Building or Erection complained of being demolished within the

the Time limited by the said Order, the said Vestry or Board shall forthwith enter the Premises to which the Order relates and demolish the Building or Erection complained of, and do whatever may be necessary to execute the said Order, and may also remove the Materials to a convenient Place, and subsequently sell the same, as they think fit; and all Expenses incurred by the said Vestry or Board in carrying out the said Order and in Disposal of the said Materials may be recovered by the said Vestry or Board from the Owner or Occupier of the said Premises, or the Builder or Person engaged in the Work, either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the said Vestry or Board, in manner provided by the Two hundred and twenty-seventh Section of the firstly-recited Act as to the Recovery of Penalties.

Conditions as to Buildings beyond Line of Street.

76. The Metropolitan Board may, in giving Consent for any Erection beyond the regular Line of the Buildings in any Street, annex any Condition to the Consent given by the Board, and in case such Erection shall not be made in accordance with the Consent of the Board, or be in any Manner altered or raised without their Consent, the Board may enter and demolish or alter the Buildings or Structure or any Part thereof, and recover all Expenses, or may impose any Penalty not exceeding Forty Shillings to be summarily recovered for every Day during which any Building or Structure being a Contravention of such Condition shall exist after Notice from the said Board or any Officer of the Board to remedy the Complaint.

Expenses of paving new Streets.

77. Where any Vestry or District Board shall, under the Powers given by the One hundred and fifth Section of the firstly-recited Act, have paved or be about to pave any new Street, the Owners of the Land bounding or abutting on such Street shall be liable to contribute to the Expenses or estimated Expenses of paving the same, as well as the Owners of Houses therein, provided that it shall be lawful for the Vestry or District Board to charge the Owners of Land in a less Proportion than the Owners of House Property, should they deem it just and expedient so to do; and any such Costs or Expenses, including the Cost of paving at the Points of Intersection of Streets, and all other incidental Costs and Charges, shall be apportioned by the Vestry or Board, and shall be recoverable either before the Work shall be commenced, or during its Progress, or after its Completion; and it shall be lawful for the Vestry or District Board at their Discretion to accept Payment of the Amount apportioned or charged in respect of each House or Premises by Instalments spread over a Period not exceeding Twenty Years, and any such Amount shall be recoverable from the present or any future Owner of the Premises either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Vestry or Board.

78. In

Vestry may flag Foot ways and levy the Costs.

78. In case any Footway laid out at the passing of the firstly-recited Act shall have been repaired by the Vestry or any other Body, but shall not have been flagged, and the Vestry or District Board shall have deemed it necessary or expedient or shall deem it necessary or expedient that the same should be flagged, and such Vestry or Board shall have flagged or shall flag the same, either throughout the whole Breadth thereof or any Part of such Breadth, it shall be lawful for such Vestry or Board to levy the Cost and Expenses by a Rate or Rates upon the Occupiers of the Houses in the Road, Street, or Part abutting on or next to the Footway which shall have been so flagged, either in One Sum or by equal Instalments spread over a Period not exceeding Twenty Years, as the said Vestry or Board may see fit; and the said Vestry or Board shall thenceforth keep the said flagging in good and sufficient Repair.

Sums to be paid by the Duke of Bedford to Parties making up Roads and Footways on Bedford Estate, in the Parish of St. Pancras, to be added to Debt on that Part of the Parish.

79. And whereas at the Time of the coming into operation of the firstly-recited Act certain Houses were in course of Erection or about to be erected by private Parties on certain Lands, Parts of the Estate belonging to his Grace the Duke of *Bedford*, in the Parish of *Saint Pancras*, and the Roads and Footways in front of the said Houses and Land were partly paved by and at the Expense of the said Parties before the coming into operation of the firstly-recited Act: And whereas the Commissioners acting under the Local and Personal Act of the Session holden in the Thirty-ninth and Fortieth Years of King *George* the Third, Chapter Forty-nine, relating to the paving of the said Estate, and whose Powers were determined by the firstly-recited Act, ought, under the Power vested in them by the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, to have executed the said Works of paving, or to have defrayed the Cost thereof, and Payment for the same would, if the Powers of the said Commissioners had not been determined, have been made out of the Money arising from Rates or Assessments to be made under the said Act of King *George* the Third, or Money borrowed on the Security thereof; but the Arrangements respecting the said Works were not such as to be binding on the Vestry of the said Parish under the Transfer made to such Vestry by the said firstly-recited Act of the Debts and Liabilities legally charged upon or payable out of Rates or Assessments authorized to be made under the said Act of King *George* the Third: And whereas certain of the said Parties are willing to complete the said Roads and Footways in consideration of the Payment to them of certain Sums of Money, such Sums to be received in satisfaction as well of past as of future Expenses incurred by them in the making or paving of the said Roads and Footways: And whereas his Grace the Duke of *Bedford* is willing to advance such Sums of Money, and it is expedient to authorize the Addition of such Sums to the said Debt on the Completion as aforesaid of the said Roads and Footways and

and Payment of the said Sums to the said Parties respectively: Be it therefore enacted, That upon the Completion of the said Roads and Footways to the Satisfaction of the said Vestry, and the Production to them of the Receipts in Writing of the said Parties respectively for the said Sums from his Grace the Duke of *Bedford* or his Agent, such Sums shall respectively become Debts to the said Duke, and be added to and form Part of the Debt which at the Time of the coming into operation of the firstly-recited Act was legally charged upon the said Rates or Assessments, and shall carry Interest at the Rate of Four Pounds *per Centum per Annum*, payable half-yearly on the First Day of *January* and the First Day of *July* in every Year from the Time of the Receipt of such Sums by the said Parties or the Completion of the said Roads and Footways as aforesaid, whichever shall last happen; and Section One hundred and eighty of the firstly-recited Act shall be applicable accordingly in respect of such Sums and the Interest thereof in like Manner as in respect of such Debt as last aforesaid.

80. The Proviso of the One hundred and sixth Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That no Street not being a Highway shall be repaired as in the said Section mentioned, unless Notice be given to the Owners and rated Occupiers of the Houses in such Street respectively; and Service of any such Notice may be effected by leaving the same at the several Houses in such Street, or where any of the said Houses shall be unoccupied, by affixing the same upon the outer Door or some conspicuous Part of such Houses; and provided further, that no such Street shall be repaired as in the said Section mentioned if within One Month after Notice has been given as aforesaid written Notice of Objection to such Repair, signed by at least Two Thirds of the Owners or rated Occupiers of Houses in the said Street, shall be given to the Vestry or District Board.

Proviso to Sect. 106 of 18 & 19 Vict. c. 120. repealed.

Notice of Intention to repair Street, not being a Highway.

81. In any Case of Default by the Owner of any Court, Passage, or public Place, not being a Thoroughfare, to comply with the Requisition of any Vestry or District Board to perform Works of paving or draining of the Nature described in the One hundredth Section of the firstly-recited Act, it shall be lawful for the Vestry or Board, should they see fit, in lieu of enforcing the Penalty therein mentioned, to execute and perform such Works, and recover the Expenses thereof from the Owner either by Action at Law or in a summary Manner before a Justice, at the Option of the Vestry or Board.

Where Owners of Courts, &c. omit to drain and pave, Vestry or District Board may perform the Works, charging Expenses to Owner.

82. In every Case in which any Company or Person shall be liable under the firstly-recited Act to reinstate the Pavement, Surface, or Soil of any Street under the Control of any Vestry or District

Reinstatement of Pavement broken up

by Works of Companies, &c.

Board which may have been broken up or opened, or to repay to such Vestry or Board the Expenses of reinstating the Pavement, Surface, or Soil of any Street, every such Company or Person shall be liable to reinstate the Pavement, Surface, or Soil, or to pay the Expenses of reinstating the Pavement, Surface, or Soil of such Parts of the Street as shall have been so broken up or opened, as well as of the Part or Parts contiguous thereto which may be affected by the Works of such Company or Person, to the reasonable Satisfaction of the Surveyor for the Time being of the Vestry or District having Control over the Pavements in such Parish or District.

Metropolitan Board may make Byelaws for Guidance of Vestries, &c. in Construction of Sewers.

83. The Metropolitan Board of Works may, in order to secure the efficient Maintenance of the Main and general Sewerage of the Metropolis, from Time to Time make, alter, and repeal Byelaws for the Guidance, Direction, and Control of the Vestries of Parishes in Schedule A. to the firstly-recited Act, District Boards, and all other Persons, in relation to the Levels, Dimensions, Construction, Maintenance, Ventilation, and cleansing of Sewers in their respective Parishes, Districts, or Parts, and for the other Objects enumerated in the One hundred and thirty-eighth Section of the firstly-recited Act, subject in all respects to the several Provisions relating to Byelaws contained in the Two hundred and second Section of the said Act; but this Provision shall only extend to the City of *London* and the Liberties thereof, so far as regards the Main Drainage of the Metropolis.

Vestries, &c. may stop up Streets during Execution of Works.

84. It shall be lawful for any Vestry or District Board, with the previous Sanction of the Metropolitan Board of Works, to close or stop up any Street within their Parish or District, during the Execution of any Paving, Sewerage, or other Works by such Vestry or Board in such Street, and to keep the same closed and stopped up for such Time as shall be necessary in that Behalf, and allowed by the Metropolitan Board.

Height of Buildings in certain Streets.

85. No Building, except a Church or Chapel, shall be erected on the Side of any new Street of a less Width than Fifty Feet, which shall exceed in Height the Distance from the external Wall or Front of such Building to the opposite Side of such Street, without the Consent in Writing of the Metropolitan Board of Works; nor shall the Height of any Building so erected be at any time subsequently increased so as to exceed such Distance without such Consent; and in determining the Height of such Building the Measurement shall be taken from the Level of the Centre of the Street immediately opposite the Building up to the Parapet or Eaves of such Building; and every Person committing any Offence under this Enactment shall

shall be liable to a Penalty of Five Pounds, and in case of a continuing Offence to a further Penalty of Forty Shillings for every Day during which such Offence shall continue after Notice from the said Board, to be recovered by summary Proceeding.

Metropolitan Board may place Roadway, Footpaths, &c. in different Parishes or Districts under Management of One Vestry or District Board.

86. Where in any Street the Roadway and Footpaths or either of them are or is situate in more than One Parish or District, or where the whole of the Roadway and Footpaths of any Street are situate in One Parish or District, and the whole or any Part of the Houses and Buildings abutting on such Roadway or Footpaths are situate in another Parish or District, in either of the said Cases it shall be lawful for the Metropolitan Board of Works, should they deem it convenient and proper so to do, to order that any such Roadway and Footpaths shall, for the Purposes of Sewerage, Drainage, Paving, and Lighting, or any of them, be under the exclusive Management of the Vestry or District Board of One of the said Parishes or Districts, and to order and direct in what Proportions the Costs of constructing and maintaining any new Sewer or Drain in such Street, or of the Reconstruction, Reparation, or Maintenance of any existing Sewer or Drain therein, or of the paving or making up or lighting of the Roadway or Footpaths thereof, and the Repair and Maintenance of such Roadway or Footpaths, shall be borne and defrayed by the Vestry or Board of each Parish or District, and the Decision of the said Metropolitan Board thereon shall be final and conclusive; and in case of Default by any Vestry or Board liable under any such Order to any such Payment, the Vestry or District Board entitled thereto may sue for and recover the Amount thereof from the Vestry or Board so making Default by Action at Law.

Affixing Names of Streets by Vestries and District Boards.

87. The One hundred and forty-first Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That Vestries and District Boards shall and may, within the Limits of their respective Jurisdictions, from Time to Time cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, Entrance, or other convenient Part of any Street in their Parish or District, the Name of such Street, and renew such Name whenever it may be obliterated or defaced; and the Metropolitan Board of Works may alter the Name of any Street to any other Name which to such Board may seem fit; and before any Name is given to any Street, Notice of the intended Name shall be given to the said Metropolitan Board, and the said Board may, by Notice in Writing given to the Person by whom Notice of such intended Name has been given to them, at any Time within One Calendar Month after Receipt of such Notice, object to such intended Name; and it shall not be lawful to set up any Name to any new Street in

Alteration of Names by Metropolitan Board, and Execution of Orders by Vestries and District Boards.

in the Metropolis until the Expiration of One Calendar Month after Notice thereof has been given as aforesaid to the said Metropolitan Board, or to set up any Name objected to as aforesaid; and whenever the said Metropolitan Board shall, under the Power herein-before given, have ordered or directed an Alteration in the Name or Names of any Street, or of any Place or Row of Houses, or in any Line of Road, they shall transmit a Copy of their Order directing such Alteration to the Vestry or District Board in whose Parish or District such Street, Place, Row of Houses, or Line of Road shall be situate; and such Vestry or District Board shall thereupon cause to be painted or affixed on a conspicuous Part of some House or Building, to the Satisfaction of the said Metropolitan Board, at or near each End, Corner, Entrance, or other convenient Part of the said Street, Place, Row of Houses, or Line of Road, the altered Name or Names specified in the Order of the Metropolitan Board, and shall perform all other necessary Acts for giving effect to such Order; and it shall be lawful for the said Metropolitan Board from Time to Time to order and direct that any Row of Houses or Buildings in any Street or in any Line of Road in the Metropolis shall, for the Purpose of distinguishing the same, be marked with such Numbers or Names as they shall deem convenient and proper for that Purpose, and which they shall specify in their Order in that Behalf; and whenever the said Metropolitan Board have passed any such Order as last aforesaid, they shall transmit a Copy thereof to the Vestry or District Board in whose Parish or District the said Street, Place, Row of Houses, or Line of Road shall be situate, and it shall thereupon become the Duty of such Vestry or District Board to perform all necessary Acts and to take all requisite Proceedings for carrying the Order of the said Metropolitan Board into execution, and for that Purpose they shall give Notice to the Owners or Occupiers of the Houses and Buildings in such Street, Place, Row of Houses, or Line of Road to mark their several Houses and Buildings with such Numbers or Names as the said Metropolitan Board shall by their said Order have ordered or directed, and to renew the Numbers or Names of such Houses or Buildings as often as they are obliterated or defaced; and if any Occupier of any such House or Building neglect for One Week after Notice from the said Vestry or District Board to mark such House or Building with such Number or Name as shall be mentioned and required in the said Notice, or to renew the Number or Name as aforesaid, he shall be liable to a Penalty not exceeding Forty Shillings, and the said Vestry or District Board may cause such Number or Name to be so marked or renewed, and recover the Expenses thereof from the Owner of such House or Building by a summary Proceeding before a Justice of the Peace; and if any Person wilfully destroy, pull

pull down, obliterate, or deface the Name of any Street or Line of Road in the Metropolis, or the Name or Number of any House or Building therein, or paint, affix, or set up any Name or Number to any House or Building contrary to this Enactment, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for the said Vestry or District Board to cause such Name or Number so painted, affixed, or set up contrary to the Directions in their said Notice to be obliterated or destroyed: Provided always, that the Powers conferred by this Section upon the Metropolitan Board shall extend to the City of *London* and the Liberties thereof; and all Matters by this Section directed and authorized to be done by Vestries and District Boards shall and may be done within the City of *London* and the Liberties thereof by the Commissioners of Sewers of the said City and Liberties.

Persons omitting to give Notice required by Section 76 of 18 & 19 Vict. c. 120. liable to Penalty.

88. If any Person shall, without having given the Notice directed by the Seventy-sixth Section of the firstly-recited Act, begin to lay the Foundation of any new House or Building within any Parish mentioned in Schedule A. of the said Act, or any District in Schedule B. of the said Act, or to make any Drain for the Purpose of draining either directly or indirectly into any Sewer under the Jurisdiction of the Vestry or Board of such Parish or District, he shall become liable to a Penalty for every such Offence not exceeding Five Pounds, and to a continuing Penalty of Forty Shillings for each and every Day during which he shall omit to give the Notice directed by the said Act.

Penalty on Persons wrongfully collecting Ashes, &c.

89. If any Person or Persons other than the Person or Persons employed by or contracting with the Vestry or District Board of any Parish or District, or those employed by or under such Person or Persons, shall receive, carry away, or collect any Dirt, Dust, Cinders, Rubbish, Ashes, or Breeze from any Houses or Premises, or from any Street or Highway in any Parish or District, or any Road Scrapings, Refuse, or Mud from any Street or Highway within any Parish or District, it shall and may be lawful for any Justice of the Peace, upon Complaint to him made, to grant a Summons, or, if such Justice shall think fit, a Warrant to bring before him such Offender or Offenders, and such Justice shall examine on Oath any Witness or Witnesses who shall appear to give Information or Evidence touching such Offence; and any Person convicted of any such Offence shall forfeit to the said Vestry or District Board a Sum not exceeding Five Pounds, to be recovered by a summary Proceeding; provided that nothing herein-before contained shall be deemed to apply to the Removal of the Refuse of any Trade, Manufacture, or Business, or of any Building Materials from any House or Land by the Direction of the Owner or Occupier of such House or Land.

90. Every

Penalties for affixing Bills on Lamp Posts, Notice Boards, &c.

90. Every Person who shall affix or cause to be affixed any Bill, Notice, or Paper against, or deface or disfigure any Street Post, Lamp Post, Pump, or Building vested in any Board or Vestry, or who shall remove, deface, or injure any Notice Board placed or set up by Order of any Board or Vestry, or who shall pull down, obliterate, or deface any Notice set up or affixed by Order of any Board or Vestry, shall for every such Offence forfeit a Sum not exceeding Forty Shillings, to be recovered before a Justice by a summary Proceeding.

Penalty for keeping Swine in improper Situations.

91. No Person within any Parish mentioned in Schedule A. to the firstly-recited Act, or in any District mentioned in Schedule B. to the said Act, shall breed, feed, or keep any Swine in any Locality, Premises, or Place which may be unfit for the keeping of Swine, or in which the breeding, feeding, or keeping Swine may create a Nuisance, or be injurious to Health; and any Person breeding, feeding, or keeping Swine in or on any such Locality, Premises, or Place shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Ten Shillings for every Day during which he shall continue such Offence after Notice from the Vestry or District Board to discontinue the same, and any such Penalty may be recovered by a summary Proceeding; and if in any Proceeding under this Enactment it shall be proved to the Satisfaction of the Justice or Justices that any such Locality, Premises, or Place are or is unfit for the keeping of Swine, such Justice or Justices may prohibit the using thereof for that Purpose for the future; and any Person disobeying the Order of any Justice or Justices in this Behalf shall be liable to a Penalty of Ten Shillings for every Day during such his Default.

Sect. 131 of 18 & 19 Vict. c. 120. and Sec. 35 of 20 & 21 Vict. c. cxxxv. repealed. Licences granted thereunder to continue.

92. The One hundred and thirty-first Section of the firstly-recited Act, and the Thirty-fifth Section of "The Metropolitan Market Act, 1857," (Twentieth and Twenty-first *Victoria*, Chapter One hundred and thirty-five) (Local and Personal), are repealed; but all Licences granted in pursuance of the Provisions in the said repealed Sections contained shall continue in force for the Space of One Year next after the Day of the granting of the same respectively, and all Offences heretofore committed against the Provisions of the said Acts, or either of them, in relation to Slaughterhouses, shall be dealt with in every respect as if this Act had not been passed.

Licensing Cowhouses.

93. From and after the First Day of *November* One thousand eight hundred and sixty-two no Place within any Parish or Place mentioned in the Schedules to the firstly-recited Act shall be used by any Person carrying on the Business of a Slaughterer of Cattle or Cowkeeper or Dairyman as a Slaughter-house for the Purpose of slaughtering Cattle or a Cowhouse or Place for the keeping of Cows, without a Licence had for such Purpose respectively from the Justices of

of the Peace assembled at a Special Sessions held in the Division or District where such Slaughter-house, Cowhouse, or Place is situate, and such Licence shall continue in force for the Period of One Year from the granting thereof, and thenceforth until the Special Sessions to be held next after the Expiration of such Period, and no Fee or Reward exceeding Five Shillings shall be taken for any such Licence; and if any Person carrying on such Business of a Slaughterer of Cattle, Cowkeeper, or Dairyman use as a Slaughter-house or Cowhouse any Place within any Parish or Place mentioned in the Schedules of the firstly-recited Act which is not so licensed, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds, of which Offence the Fact that Cattle have been taken into such Place shall be deemed sufficient *primâ facie* Evidence: Provided always, that before any Licence for the Use of any Place as a Slaughter-house or Cowhouse is granted as aforesaid, Fourteen Days Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which any such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the granting of any such Licence, and also Seven Days Notice previous to such Special Sessions being held of the Intention to apply for such Licence shall be given to the Clerk of the Justices for such Division: Provided, that nothing in this Act contained shall extend to Slaughter-houses erected or to be erected in the Metropolitan Cattle Market under the Authority of the Metropolitan Market Act, 1851, or the Metropolitan Market Act, 1857.

Month's Notice to be given of applying for Licence for keeping Slaughter-house.

94. Before any Licence for the keeping or using of any House or Place within the Metropolitan Police District as a licensed Slaughtering House or Place for the Purpose of slaughtering or killing Horses or other Cattle not killed for Butchers' Meat shall be granted by any Quarter Sessions of the Peace under the Provisions of the Act of the Session holden in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, Chapter Seventy-one, or of the Act of the Session holden in the Seventh and Eighth Years of Her present Majesty, Chapter Eighty-seven, or any Act amending either of the said Acts, One Month's previous Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such House or Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence.

Vestries and District Boards to contract for Removal of

95. It shall be lawful for every Vestry and District Board, if they in their Discretion think fit, to appoint and employ a sufficient Number of Persons, or to contract with any Company or Persons, for collecting and removing the Manure and refuse Straw from such Stables

Manure from Stables and Cowhouses.

Stables and Cowhouses within their Parish or District, the Occupiers of which may signify their Consent in Writing to such Removal; provided that such Consent shall not be withdrawn or revoked without One Month's previous Notice to the Vestry or District Board, and that no Person shall be hereby relieved from any Penalty or Penalties to which they may be subject for placing Dung or Manure upon the Footways or Carriageways of any Parish or District, or for having any Accumulation or Deposit of Manure so as to be a Nuisance or injurious to Health.

Vestry or District Board may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

96. The Two hundred and seventeenth, Two hundred and eighteenth, and Two hundred and nineteenth Sections of the firstly-recited Act are hereby repealed; and in lieu thereof be it enacted, That it shall be lawful for any Vestry or District Board, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under the said recited Act or this Act either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by the recited Act and this Act; and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Vestry or District Board, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner and Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

Agreements between Landlord and Tenant not to be affected.

Deduction by Owner paying Rent

97. If the Owner or Landlord of any Premises from whose Rent any Amount shall be deducted in respect of any Costs, Charges, or

or Expenses payable under the firstly-recited Act or this Act shall hold the Premises in respect of which the Amount of such Costs, Charges, or Expenses shall be paid at a Rent not less than the Rackrent, he shall be entitled to deduct the whole Amount paid by him on account of such Costs, Charges, or Expenses from the Rent payable by him to his superior Landlord; and if he holds at a Rent less than the Rackrent, he shall be entitled to deduct from the Rent so payable by him a Sum bearing the same Proportion to the Amount so paid by him on account of such Costs, Charges, or Expenses as his Rent shall bear to the Rackrent; and if the Owner or Landlord from whose Rent any Deduction be made under the Provision last aforesaid be himself liable to the Payment of Rent for the Premises in respect of which the Deduction shall be made, and hold such Premises for a Term of which less than Twenty-one Years shall be unexpired, but not otherwise, he may deduct from the Rent so payable by him a Sum bearing the same Proportion to the Sum deducted from the Rent payable to him as the Rent payable by him shall bear to the Rent payable to him, and so on in succession with respect to every Landlord of the same Premises both receiving and liable to pay Rent in respect thereof, and holding the same for a Term of which less than Twenty-one Years shall be unexpired as aforesaid. Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him: Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

where Amount of Expenses deducted from Rent paid to him.

98. No existing Road, Passage, or Way being of a less Width than Forty Feet shall be hereafter formed or laid out for building as a Street for the Purposes of Carriage Traffic, unless such Road, Passage, or Way be widened to the full Width of Forty Feet, the Measurement of the Width of such Street to be taken Half on either side from the Centre or Crown of the Roadway to the external Wall or Front of the Houses or Buildings erected or intended to be erected on each Side thereof; but where Forecourts or other Spaces are intended to be left in front of the Houses or Buildings, then the Width shall be measured up to the Fence or Boundary dividing or intended to divide such Forecourts or Spaces from the Public Way, or for the Purposes of Foot Traffic only, unless such Road, Passage, or Way be widened to the full Width of Twenty Feet, measured as aforesaid, or unless such

Roads, &c. laid out as Streets to be of full Width of Forty Feet for Carriage Traffic, and Twenty Feet for Foot Traffic.

Streets respectively shall be open at both Ends, from the Ground upwards; and any Road, Passage, or Way hereafter to be formed or laid out for either of the Purposes aforesaid shall be deemed to be a new Street, and become subject to all the Provisions of the recited Acts and this Act, and to the Provisions and Penalties of and under any Byelaws made or to be made in pursuance thereof in relation to Sewerage, Drainage, or Paving, and to Width, Construction, Surface, Inclination, and other Requirements and Particulars.

Metropolitan Board may permit Formation of Streets of less Width, &c.

99. Provided that it shall be lawful for the Metropolitan Board of Works to permit the Formation of any such Street of less Width than herein-before provided, or with One Opening only, should they under any special Circumstances deem it equitable and expedient so to do.

Power to Vestries &c. to borrow Monies for the Improvement of Streets.

100. It shall be lawful for every Vestry and District Board mentioned in Clause One hundred and eighty-three of the first-recited Act to exercise the Power to borrow Monies therein mentioned, with the Sanction of the Metropolitan Board of Works granted under their Common Seal, for the Purpose of enabling such Vestry or District Board to make, extend, widen, alter, or improve any Street, Road, or Way, for facilitating the Passage and Traffic within the Parish or District for which such Vestry or District Board is appointed, or for the Purpose of contributing to and of joining with the Metropolitan Board or with any other Board or Persons in any such Improvement.

Any Vestry or District Board may put an end to any Powers of Appointment of Inspectors of Weights and Measures existing under any Local Act in their Parish or District.

101. If any Vestry, Commissioners, or other Body in whom any Duties or Powers in relation to the Appointment of Inspectors or Examiners of Weights and Measures are now vested under any Local Act, Charter, or otherwise, desire that such Duties or Powers should cease, and that Inspectors of Weights and Measures appointed or to be appointed at General or Quarter Sessions, pursuant to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, and of any Act amending the same, should act in and for the Parts to which such Local Act extends, so far as regards their Parish or District, and a Resolution to that Effect be passed by a Majority, at a Meeting of the Vestry or Board specially convened for the Purpose of considering the Question of determining such Duties or Powers, of which not less than Fourteen Days Notice shall have been given, Notice of such Resolution shall be given by the Clerk of such Vestry or Board to the Clerk of the Peace for the County in which their Parish or District is situate; and such Notice shall be laid by such Clerk of the Peace before the next Court of General or Quarter Sessions of the Peace for such County; and from and after the Receipt of such Resolution by such Justices the Appointment,

Appointment, and all Powers of Appointment, of any Inspector or Examiner appointed under any such Local Act shall cease so far as regards such Parish or District, but not so as to affect any pending Proceedings for Penalties or otherwise; and all the Provisions of the said Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, and of any Act amending the same, shall apply to such Parish or District as if such Local Act were not in force therein.

102. Every Penalty or Forfeiture imposed by this Act, and made recoverable by a summary Proceeding, may be recovered before any Justice of the Peace in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Penalties may be recovered in manner provided by 11 & 12 Vict. c. 43.

103. The Expenses incurred by the Metropolitan Board of Works in applying for and passing this Act, and preparatory or incident thereto, shall be and are hereby included among the general Expenses of the said Board in the Execution of the firstly-recited Act, and may be defrayed accordingly; and the Expenses incurred by any Vestry or District Board in relation to this Act shall be and are hereby included among the other Expenses incurred by that Vestry or District Board in the Execution of the firstly-recited Act, and may be defrayed accordingly.

Expenses of obtaining this Act to be included among general Expenses of executing Acts.

104. The Provision in the Two hundred and twenty-seventh Section of the firstly-recited Act for the Recovery of Penalties and Forfeitures imposed by the said Act is hereby extended to any Damages, Costs, or Expenses payable or recoverable under the said recited Acts or this Act; and any such Damages, Costs, or Expenses, the Recovery whereof is not otherwise provided for, may be recovered by summary Proceedings in manner directed by the said Section.

Provision as to Penalties under 227th Section of 18 & 19 Vict. c. 120. extended to Damages, &c.

105. The Two hundred and thirty-fourth Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That all Penalties or Forfeitures payable or recoverable under the firstly-recited Act or this Act, and all Penalties or Forfeitures recovered by any Vestry or District Board acting as the local Authority for the Execution within their respective Parish or District of "The Nuisances Removal Act, for *England*, 1855," shall go and be paid in manner herein-after mentioned, anything contained in an Act made and passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, or in any other Act or Acts to the contrary notwithstanding; that is to say, One Half shall go to the Informer, and the Remainder shall go to the Vestry or District Board of

Application of Penalties.

of the Parish or District in which the Offence was committed, or to the Metropolitan Board of Works, in case the Injury shall have been sustained by or the Offence committed in respect of that Board; or if such Vestry or District Board or the Metropolitan Board of Works be the Informers, then the whole of the Penalty recovered shall go to them respectively, and all Sums which shall go to or be recovered by any Board or Vestry on account of any Penalty or Forfeiture shall be paid to their Treasurer, or into such Bank to their Account as they may direct, and shall be applicable towards the general Expenses of such Board or Vestry; provided that in every Case where any Board or Vestry are liable to any Penalty or Forfeiture, the whole of such Penalty or Forfeiture shall go to the Informer.

Notice of Action, &c.

106. No Writ or Process shall be sued out against or served upon, and no Proceeding shall be instituted against the Metropolitan Board of Works, or any Vestry or District Board, or their Clerk, or any Clerks, Surveyor, Contractor, Officer, or Person whomsoever, acting under their or any of their Directions, for anything done or intended to be done under the Powers of such Board or Vestry under the said Acts or this Act, until the Expiration of One Calendar Month next after Notice in Writing shall have been served upon such Board or Vestry, or where the Action or Proceeding shall be against such Officer or other Person acting under their or any of their Directions shall have been delivered to him or left at his Office or Place of Abode, stating the Cause of Action or Grounds of the Proceeding or Demand, and the Name and Place of Abode of the intended Plaintiff or Claimant and of his Attorney or Agent in the Cause or Proceeding; and upon the Trial of any Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action except such as is stated in the Notice so served or delivered, and unless such Notice be proved the Jury shall find for the Defendant; and every such Action and Proceeding shall be brought or commenced within Six Months next after the Accrual of the Cause of Action or Ground of Claim or Demand, and not afterwards, and every such Action shall be laid and tried in the County or Place where the Cause of Action accrued, and not elsewhere; and the Defendant shall in any such Action be at liberty to plead the General Issue, and give the said recited Acts and this Act and all special Matter in Evidence thereunder; and it shall be lawful for the Board or Vestry, or any Person to whom such Notice is given as aforesaid, to tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Calendar Month after Service of such Notice, and in case the same be not accepted to plead such Tender in Bar, and (by Leave of the Court) with the General Issue or other Plea or

Limitation.

Venue.

General Issue.

Tender of Amends.

or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, it shall be lawful for the Defendant, by Leave of the Court, at any Time before Trial, to pay into Court under Plea such Sum of Money as he may think proper, and (by the like Leave) to plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Penalties to be proceeded for within Six Months.

107. The Two hundred and thirty-third Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That no Person shall be liable for the Payment of any Penalty or Forfeiture under the recited Acts or this Act, or any Byelaw made by virtue thereof, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence have been made before such Justice within Six Months next after the Commission or Discovery of such Offence.

Act not to apply to Things done before its passing, except, &c.

108. Except as herein specially provided, nothing herein contained shall in any way prejudice or affect any Act, Matter, or Thing made, done, or commenced prior to the passing of this Act.

No further Liability to attach to Places named in Sched. (C.) of 18 & 19 Vict. c. 12.

109. Nothing in this Act contained shall be held to make the several Places named in Schedule (C.) of the firstly-recited Act liable to any Payment or Assessment to which they would not have been liable if this Act had not been passed.

Acts to be construed as One Act.

110. The said recited Acts and this Act shall be construed together as One Act.

Short Titles.

111. The recited Acts may be respectively cited for all Purposes as "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1856," and "The Metropolis Management Amendment Act, 1858;" and this Act may be cited for all Purposes as "The Metropolis Management Amendment Act, 1862."

Interpretation of Terms.

112. In the Construction of the recited Acts and this Act the Term "Metropolis" shall be deemed to include the City of *London* and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.) to the firstly-recited Act; the Word "Drain" shall be

 deemed

deemed to apply to and include the Subject Matters specified in the Two hundred and fiftieth Section of the firstly-recited Act, and also any Drain for draining a Group or Block of Houses by a combined Operation, laid or constructed before the First Day of *January* One thousand eight hundred and fifty-six, pursuant to the Order or Direction or with the Sanction or Approval of the Metropolitan Commissioners of Sewers; the Expression "Water Company" shall mean and include any of the Companies enumerated in the Twenty-ninth Section of the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Queen *Victoria*, Chapter Eighty-four, for the making better Provision respecting the Supply of Water to the Metropolis, and also any other Company, Board, or Commission, Association, Person, or Partnership, corporate or unincorporate, for the Time being supplying the Metropolis or any Part thereof with Water for Domestic Use; the Word "Cattle" shall include Sheep, Lambs, and Swine; the Word "Street" shall be deemed to apply to and include the Subject Matters specified in the Two hundred and fiftieth Section of the firstly-recited Act, and also any Mews and a Part thereof; the Expression "new Street" shall apply to and include all Streets hereafter to be formed or laid out, and a Part of any such Street, and also all Streets, the Maintenance of the Paving and Roadway whereof had not, previously to the passing of this Act, been taken into Charge and assumed by the Commissioners, Trustees, Surveyors, or other Authorities having Control of the Pavements or Highways in the Parish or Place in which such Streets are situate, and a Part of any such Street, and also all Streets partly formed or laid out; the Word "pave" shall apply to and include the Formation of the Roadway or Footway of any Street; the Word "Clerk" shall include any Officer called or to be called "Secretary;" the Word "Surveyor" shall include any Officer called or to be called "Engineer;" the Word "Print" shall apply to and include every Mode of taking Impressions, whether by Letter Press, Stereotype, Lithography, or otherwise.

Finsbury Park Act continued till 1863.

113. Whereas an Act was passed in the Session of Parliament holden in the Twentieth and Twenty-first Years of Her Majesty, "to enable the Metropolitan Board of Works to form a Park for "the Northern Suburbs of the Metropolis, to be called *Finsbury* "*Park*:" And whereas it is expedient to continue the said Act for such Period as herein mentioned: Be it therefore enacted, That the said Act shall be continued in force until the Seventeenth Day of *August* One thousand eight hundred and sixty-three, in like Manner as if the Time so limited had been the Time limited by the said Act of the Twentieth and Twenty-first Years of *Victoria*, Chapter One hundred and twenty.

114. There

114. There shall be repealed so much of the One hundred and ninety-third Section of an Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled *An Act for the better Local Management of the Metropolis*, as provides that the Auditor of the Accounts of the Metropolitan Board shall be paid by such Board not exceeding Five Guineas for every Day he is fully employed on such Audit, and all Expenses he is put to in the auditing of such Accounts; provided always, that such Payment shall not exceed Fifty Guineas: And in lieu thereof, be it enacted, That the Auditor of the Accounts of the Metropolitan Board shall be paid by such Board a Sum not exceeding Two Guineas for every Day that he is fully employed on such Audit, and all Expenses that he is put to in the auditing of such Accounts, provided that such Payments do not in the whole exceed One hundred Guineas.

Amendment of 18 & 19 Vict c. 120. s. 193

115. From and after the passing of this Act all Duties, Powers, and Authorities under the Local Act of the Tenth Year of *George* the Fourth, Chapter Sixty-eight, now remaining vested in the Committee of Management of the Affairs of the Parish of *Saint Paul, Covent Garden*, shall cease to be so vested, and shall become vested in and be performed and exercised by the Vestry of such Parish, elected under the Act of the Eighteenth and Nineteenth Years of *Victoria*, Chapter One hundred and twenty, and that the said Committee shall cease and be determined, and no new Appointment or Election of such Committee shall take place.

Certain Powers under Local Act 10 G. 4. c. 68. respecting Parish of Saint Paul, Covent Garden, transferred.

116. It shall not be lawful for the Metropolitan Board of Works, or for any Vestry or District Board, to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, or in right of the Duchy of *Lancaster*, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, which Consent such Commissioners are hereby respectively authorized to give, or without the Consent in like Manner of the Chancellor of the said Duchy; and nothing herein contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors, in right of Her Crown or in right of Her Duchy of *Lancaster*: Provided always, that nothing herein contained shall in any way lessen, alter, or in any Manner prejudice or affect the Rights, Powers, and Authorities of the Metropolitan Board of Works relating to

Saving Rights of the Crown and the Duchy of Lancaster.

to the Main Drainage of the Metropolis, but such Rights, Powers, and Authorities may be put in force as if this Section had not been passed.

Saving Rights of the Crown in respect of the Duchy of Cornwall.

117. It shall not be lawful for the Metropolitan Board of Works, or for any Vestry or District Board, to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the Duchy, which Consent such principal Officers of the Duchy are hereby authorized to give; and nothing herein contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors, in respect of the said Duchy: Provided always, that nothing herein contained shall in any way lessen, alter, or in any Manner prejudice or affect the Rights, Powers, and Authorities of the Metropolitan Board of Works relating to the Main Drainage of the Metropolis, but such Rights, Powers, and Authorities may be put in force as if this Section had not been passed.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

LIST OF CERTAIN SECURITIES AND LIABILITIES OF METROPOLITAN COMMISSIONERS OF SEWERS.

Name of Lender, Party holding Security, or for whose Life Annuity granted.	Amount of Loan, or Value of Annuity.			Date of Loan or Grant of Annuity.
	£	s.	d.	
John Newberry George - -	3,000	0	0	11th April 1823.
Mary Robinson - - -	2,000	0	0	12th March 1824.
G. B. Hart (Executors of) - -	1,000	0	0	"
B. D. Kershaw - - -	1,000	0	0	"
Rev. E. D. Kershaw - -	1,000	0	0	"
Samuel Kershaw - - -	2,000	0	0	4th June 1824.
T. W. Meller (Executors of) -	3,000	0	0	12th December 1828.
Do. (do.) - -	9,500	0	0	13th January 1832.
J. Hicks (Executors of) - -	5,000	0	0	8th March 1833.
John Hobbs - - -	2,000	0	0	27th May 1840.
J. G. Hall - - -	1,500	0	0	10th Sept. 1847.
Helena Balcombe (Trustees of) -	1,500	0	0	"
Philip Green - - -	1,000	0	0	"
James Courthope Peache - -	10,000	0	0	2d May 1851.
Royal Exchange Assurance Corporation - - -	20,000	0	0	17th Sept. 1852.
Rock Life Assurance Company -	228,800	0	0	Between 1st March 1854 and 1st Feb. 1855.
ANNUITIES.				
(Estimated Value, 1st January 1856.)				
Charlotte Swabey - -	210	10	0	19th April 1816.
William Edwards - - -	961	18	7	12th April 1822.
Sarah Dorothy Woodifield -	85	19	0	10th October 1823.
Louisa Turner - - -	1,039	11	4	"
Sarah Dorothy Hunt - -	217	13	11	27th August 1824.
Maria Woodroffe - - -	259	13	11	22d October 1824.
Carolina Jeremy - -	544	3	8	28th July 1826.
Margaret Symons - -	70	4	2	
TOTAL - - £	295,689	14	7	

SCHEDULE B.

Apportionment of Debt on Loan from the Clergy Mutual Assurance Society.

Parishes and Places.	Amount charged on each Parish or Part.					
	£	s.	d.	£	s.	d.
Saint Marylebone - - -	-	-	-	10,563	0	3
Saint Pancras - - -	-	-	-	7,466	4	7
Lambeth - - - -	-	-	-	5,181	16	6
Saint George Hanover Square - -	-	-	-	9,449	0	3
Saint Mary Islington - -	-	-	-	4,618	18	9
Saint Leonard Shoreditch - -	-	-	-	2,658	15	6
Paddington - - -	-	-	-	4,544	19	0
Saint Matthew Bethnal Green -	-	-	-	1,103	13	8
Saint Mary Newington, Surrey -	-	-	-	2,008	4	8
Camberwell - - -	-	-	-	2,219	12	6
Saint James Westminster - -	-	-	-	4,348	6	3
Saint James and Saint John Clerkenwell	-	-	-	2,274	5	0
Chelsea - - - -	-	-	-	2,290	7	2
Saint Mary Abbotts Kensington -	-	-	-	2,560	17	2
Saint Luke Middlesex - -	-	-	-	1,726	0	6
Saint George the Martyr Southwark -	-	-	-	1,317	12	3
Bermondsey - - - -	-	-	-	1,391	12	0
Saint George in the East - -	-	-	-	1,754	11	5
Saint Martin in the Fields - -	-	-	-	2,642	8	3
Hamlet of Mile End Old Town -	-	-	-	1,589	2	6
Rotherhithe - - - -	-	-	-	676	9	2
Saint John Hampstead - -	-	-	-	814	2	4
Whitechapel District.						
Saint Mary Whitechapel - -	1,139	14	1			
Christchurch Spitalfields -	370	13	2			
Saint Botolph Without Aldgate -	488	1	11			
Holy Trinity Minories - -	63	0	4			
Precinct of St. Katharine -	169	2	3			
Hamlet of Mile End New Town -	149	13	4			
Liberty of Norton Folgate -	81	18	8			
Old Artillery Ground - -	42	8	11			
District of the Tower - -	28	17	6			
				2,533	10	2
Westminster District.						
Saint Margaret and Saint John the Evangelist - - - -	-	-	-	2,695	5	2
Greenwich District.						
Saint Paul Deptford, including Hatcham - - - -	1,048	3	10			
Saint Nicholas Deptford - - -	211	7	10			
Greenwich - - - -	1,268	7	2			
				2,527	18	10

Parishes and Places.	Amount charged on each Parish or Part.					
	£	s.	d.	£	s.	d.
Wandsworth District.						
Clapham - - - -	871	19	11			
Tooting Graveney - - - -	103	15	8			
Streatham - - - -	514	14	10			
Saint Mary Battersea, excluding Penge	836	1	2			
Wandsworth - - -	464	0	2			
Putney, including Roehampton - -	369	19	9			
				3,160	11	6
Hackney District.						
Hackney - - - -	2,451	0	4			
Saint Mary Stoke Newington - -	283	7	10			
				2,734	8	2
Saint Giles District.						
Saint Giles in the Fields and Saint George Bloomsbury - - -	-	-	-	2,772	2	5
Holborn District.						
Saint Andrew Holborn above Bars, and Saint George the Martyr -	1,395	3	10			
Saint Sepulchre, in the County of Middlesex - - - -	187	11	10			
Saffron Hill, &c. - - -	294	11	4			
Liberty of Glasshouse Yard - -	38	9	11			
				1,915	16	11
Strand District.						
Saint Anne Soho - - -	958	7	5			
Saint Paul Covent Garden - -	458	17	10			
Precinct of the Savoy - - -	90	9	6			
Saint Mary-le-Strand - - -	157	1	4			
Saint Clement Danes - - -	897	15	9			
Liberty of the Rolls - - -	169	18	4			
				2,732	10	2
Fulham District.						
Saint Peter and Saint Paul Hammersmith - - - -	713	9	0			
Fulham - - - -	501	19	6			
				1,215	8	6
Limehouse District.						
Saint Anne Limehouse - - -	586	7	3			
Saint John Wapping - -	373	11	6			
Saint Paul Shadwell - - -	325	12	7			
Hamlet of Ratcliffe - - -	463	14	3			
				1,749	5	7
Poplar District.						
All Saints Poplar - - - -	1,637	9	10			
Saint Mary Stratford-le-Bow - -	286	1	2			
Saint Leonard Bromley - -	383	6	9			
				2,306	17	9
Saint Saviour's District.						
Christchurch - - -	671	3	5			
Saint Saviour (including the Liberty of the Clink) - - -	1,030	10	10			
				1,701	14	3
Plumstead District.						
Charlton next Woolwich - - -	311	16	1			
Plumstead - - - -	300	9	11			
Eltham - - - -	157	9	9			
Lee - - - -	248	7	9			
Kidbrooke - - - -	90	18	0			
				1,109	1	6

Parishes and Places.	Amount charged on each Parish or Part.					
	£	s.	d.	£	s.	d.
Lewisham District.						
Lewisham, including Sydenham -	1,149	19	7			
Hamlet of Penge - - -	309	13	9			
				1,459	13	4
Saint Olave District.						
Saint Olave - - -	536	6	1			
Saint Thomas Southwark - -	47	12	6			
Saint John Horsleydown - -	438	12	10			
				1,022	11	5
The Charter House - - - -	-	-	-	20	11	10
Gray's Inn - - - - -	-	-	-	142	13	10
TOTAL - -	-	-	-	105,000	0	0

SCHEDULE C.

Form of Assessment.

RESOLVED, That this Board do and they do hereby ascertain the Sums which ought, in their Judgment, to be charged upon the several Parts of the Metropolis, and other Parts charged with Mortgages, Debts, and Liabilities at the Expiration of the Act of the 11th and 12th Years of Her Majesty, Chapter 112, for defraying the Expenses of the said Board, in the Execution of the Metropolis Local Management Act, 1855, for the Year ending 18 , under and pursuant to the said Act and the Acts for amending the same; and ordered that such Sums be assessed as herein-after specified, and they are hereby assessed upon such Parts respectively, and that Precepts under the Common Seal of the Board do issue for obtaining Payment thereof:—

Parishes, Districts, or Parts.	Sums assessed.
[*Here insert the Parishes, Districts, Parts of Parishes, &c., as for instance,*]	
City of London, the whole - -	
Parish of _ _ _ _ , the whole	
That Part of the Parish included in former District [*or* Level *or* Division] - -	
That Part of the Parish included in former District [*or* Level *or* Division] - -	
[*And so on, adding the Names of the other Parishes, Districts, Parts of Parishes, &c., on which Sums are assessed, and the Sums assessed.*]	

Form of Precept demanding One Sum assessed upon the whole of a Parish or other Place.

To the Vestry [*or other Body or Person charged with Payment of the Amount*] of the Parish [*or other Place, describing it by Name*].

By virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better Local Management of the "Metropolis,"

The Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said Vestry [*or* Chamberlain, *&c.*], and do hereby require you to pay to on or before the Day of now next ensuing, the Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon the said Parish [*or* City, *&c.*], for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 ascertain and assess upon the said Parish [*or* City, *&c.*], for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

Dated this Day of 18 .

L.S.

Form of Precept demanding an Amount made up of a Sum assessed upon the whole of a Parish or other Place, and of a Sum or Sums assessed upon a Part or Parts of such Parish or Place.

To the Vestry [*or other Body or Person charged with Payment of the Amount*] of the Parish [*or other Place, describing it by Name*].

By virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better Local Management of the "Metropolis,"

The Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said Vestry, and do hereby require you to pay to on or before the Day of now next ensuing, the Sum of Pounds Shillings and Pence, the Sum of Pounds Shillings and Pence, Part of the said Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon the whole of the said Parish for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish for such Purpose, under and in pursuance of the

the Provisions of the said Act and the Acts for amending the same in that Behalf.

* The Sum of Pounds Shillings and Pence, other Part of the said Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon that Part of the said Parish of which was at and immediately before the Determination and Expiration of the Metropolitan Sewers Act, 1848, included in the Sewerage District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Part of the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf. [*Where distinct Sums are assessed upon other Parts of the same Parish, that Portion of the preceding Form commencing at * may be repeated in each Case.*]

Dated this Day of 18 .

L.S.

Form of Precept to a District Board of Works, demanding a Sum assessed upon the whole of a Parish within the District, or an Amount consisting of a Sum assessed upon the whole Parish, and a Sum or Sums assessed upon a Part or Parts of the same Parish.

To the Board of Works for the District.

By virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better Local Management of the "Metropolis,"

The Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said District Board of Works for the said District, and do hereby require you to pay to on or before the Day of now next ensuing,* the Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon the Parish of within the said District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

* [*Where the Amount demanded is made up of a Sum assessed upon a whole Parish within the District, and also of a Sum or Sums assessed on a Part or Parts of the same Parish, the Form may be as follows:—*

The Sum of Pounds Shillings and Pence, Part of the said Sum of Pounds Shillings

Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon the whole of the Parish of within the said District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

The Sum of Pounds Shillings and Pence, other Part of the said Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon that Part of the said Parish of within the said District, which was at and immediately before the Determination and Expiration of the Metropolitan Sewers Act, 1848, included in the separate Sewerage District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Part of the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Act for amending the same in that Behalf.]

Dated this Day of 18 .

L.S.

Form of Precept to a District Board of Works, where Sums are assessed upon several Parishes and Parts of Parishes within the District.

To the Board of Works for the District.

By virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better Local Management of the "Metropolis,"

The Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said Board of Works for the said District, and do hereby require you to pay to the on or before the Day of now next ensuing, the Sum of Pounds Shillings and Pence, being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the several Parishes and Parts of Parishes within your said District herein-after mentioned, which said several Sums ought, in the Judgment of the said Board, to be charged upon the said Parishes and Parts of Parishes respectively for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said several Parishes and Parts of Parishes for such

such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf:

Names of Parishes, Parts of Parishes, &c.	—					
	£	s.	d.	£	s.	d.
The Parish [*or* Hamlet, Precinct, *&c.*] of _____ The whole of the Parish. That Part of the said Parish [*or* Hamlet, Precinct, *&c.* of _____], within the said _____ District, which was at and immediately before the Determination and Expiration of the Metropolitan Sewers Act, 1848, included in the _____ Sewerage District. [*And so on in the Case of each Parish, Part of a Parish, &c.*]						

Dated this Day of 18 .

L.S.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

***

than Six nor more than Twelve to be a Committee, consisting partly of *ex-officio* and partly of elected Guardians, to be called the Assessment Committee of the Union, for the Investigation and Supervision of the Valuations to be made as herein-after mentioned within such Union, and for the Performance of such said Acts and Duties as herein-after mentioned: Provided always, that One Third at least of such Committee shall consist of *ex-officio* Guardians, in case there shall be an adequate Number of such *ex-officio* Guardians; but in case an adequate Number of such *ex-officio* Guardians shall not exist, then the Number so deficient shall be made up of elected Guardians.

Where Union has the same Bounds as Borough Names of Assessment Committee to be transmitted to Town Council, who may appoint additional Members.

3. Where any Union shall have the same Bounds as a Municipal Borough, the Clerk to the Guardians of such Union shall, upon the Appointment of the Assessment Committee, if directed by the said Guardians to do so, transmit in Writing the Names of the Persons so appointed to the Town Council of such Borough, and such Council may thereupon, if they think fit, appoint from themselves a certain Number, not exceeding the Number appointed by the Board of Guardians, who shall, until they respectively cease to be Members of the Town Council or decline to act, forthwith form Part of the Assessment Committee for such Union, and the said Council may from Time to Time supply any Vacancies in the Number of Persons appointed by them.

Provision for Neglect to appoint.

4. If the Guardians shall neglect or be prevented from making such Appointment at the Meeting above specified, the Poor Law Board shall by their Order appoint some other Day on which the Guardians shall make such Appointment.

Provision for Vacancies.

5. If any *ex-officio* or elected Guardian being a Member of the Committee cease to be Guardian, or resign his Seat at such Committee, or die, or become incapable of acting as such Member, the Board of Guardians shall with all convenient Speed appoint an *ex-officio* or elected Guardian, as the Case may be, to supply the Vacancy.

Continuing Members may act during Vacancies.

6. During any Vacancy in any Assessment Committee the other or continuing Members of such Committee may act, and shall have the same Powers and Jurisdiction as if no such Vacancy had happened.

Extent of Committee's Authority.

7. The Authority of the Committee appointed for any Union under this Act shall extend over every Parish comprised in such Union.

8. The

Parochial Assessments.
[*The Union Assessment Committee Act*, 1862.]

8. The Committee shall hold their First Meeting at the Board Room of the Union on a Day to be fixed by the Board of Guardians, and the subsequent Meetings of the Committee shall be holden at such Times and at such Place and upon such Notice and Requisition as they shall from Time to Time appoint; and any Guardian of the Union may be present at any Meeting of the Committee, but shall not be entitled to take part in the Proceedings thereof.

First Meeting, when to be holden.

9. All Acts, Orders, Matters, and Things by this Act authorized or directed to be made or done by the Committee may be made or done by the major Part of the Members of such Committee who shall be present at a Meeting, the whole Number present together at such Meeting not being less than Three, and not less in any Case than One Third of the whole Number of which such Committee consists; and when upon any Question there shall be an Equality of Votes the presiding Chairman shall have a Second or Casting Vote.

Quorum of Meetings.

10. The Committee shall employ the Clerk or Assistant Clerk of the Board of Guardians as their Clerk, with such Remuneration for his Services as the Poor Law Board shall sanction.

Committee may employ and pay Clerk.

11. The Committee shall cause a Minute of their Proceedings, and of the Names of the Members who attend each Meeting, to be duly made from Time to Time in Books to be provided for that Purpose, which shall be kept by their Clerk, under their Superintendence, and every such Entry shall be signed by the presiding Chairman of the Assessment Committee present at the Meeting at which the Proceeding took place; and such Entry, purporting to be so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the Committee, or of the Signatures of the Members, all of which Facts shall be presumed until the contrary be proved; and all such Books shall at all seasonable Times be open to the Inspection of every Person rated to the Relief of the Poor in any Parish or Place in the Union, without any Fee being demanded for such Inspection; and all such Persons shall be entitled at all seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of the Committee refuse to permit any such Person to inspect any such Books, or to take Copies or Extracts therefrom, as aforesaid, such Clerk shall for every such Offence be liable to a Penalty not exceeding Five Pounds, upon a summary Conviction for the same before Two Justices of the Peace.

Proceedings to be entered in Books, and signed;

Such Entries Evidence.

Books to be open to Inspection.

12. The

Proceedings of Committees to be reported.

12. The Board of Guardians shall in the Month of *April* in every Year report the Proceedings of their Assessment Committee to the Poor Law Board.

Committee may require Returns from Overseers, &c.;

13. The Committee by their Order may from Time to Time require the Overseers, Assistant Overseers, Constables, Assessors, Collectors, and any other Persons having the Custody of any Books of Assessment of any Taxes or Rates, Parliamentary or Parochial, or of the Valuations of any Parish, or having the Collection or Management of any such Taxes or Rates, to make Returns in Writing to the Committee, at such Times and Places as they may appoint, of all such Particulars as they may direct in relation to such Taxes, Rates, or Valuations, or any Property included therein, so far as relates to the Union for which they act, and may require the Persons having the Custody of any such Books as aforesaid to make and transmit to the Committee Copies of or Extracts from such Books, or to permit such Copies or Extracts to be made by such Persons as the Committee may in that Behalf direct; and may from Time to Time require any Persons having the Custody of any such Books, or the Collection or Management of any such Taxes or Rates as aforesaid, to attend before them at a Time and Place to be mentioned in the Order in this Behalf, and to produce all parochial and public Books of Assessment, Rates, Rate Books, Valuations, Apportionments, Tithe and other Maps, Plans, Surveys, and other public Documents in their Custody or Power, and may examine all Persons who shall attend before them: Provided always, that nothing herein contained shall authorize the Production of Valuations or Assessments which by any Provision of Law at present are not suffered to be made public.

and may require Production of Rates, &c., and examine Persons attending before them.

Overseers to prepare Valuation Lists.

14. Subject to any Order as herein-after referred to which may be made by the Committee, the Overseers of each Parish in the Union shall, within Three Calendar Months after the Appointment of such Committee, make a List of all the rateable Hereditaments in such Parish, with the annual Value thereof respectively in so much of the Form shown in the Schedule annexed to the Act Sixth and Seventh *William* the Fourth, Chapter Ninety-six, as is set out in the Schedule to this Act; and unless such Overseers think that the Valuation then last acted upon in assessing the Rate for the Relief of the Poor correctly shows the full annual rateable Value of all such Hereditaments, they shall revise such Valuation, and such Overseers shall sign every List so made by them as aforesaid, and such List shall be styled "The Valuation List."

Definition of gross estimated Rental.

15. The gross estimated Rental for the Purpose of the Schedule to this Act shall be the Rent at which the Hereditament might reasonably

reasonably be expected to let from Year to Year, free of all usual Tenants Rates and Taxes, and Tithe Commutation Rentcharge, if any: Provided that nothing herein contained shall repeal or interfere with the Provisions contained in the First Section of the said Act (Six and Seven *William* the Fourth, Chapter Ninety-six,) defining the net annual Value of the Hereditaments to be rated.

Committee may enlarge the Time for making Valuation Lists, and may give Directions concerning Valuations and Valuation Lists, and may appoint Persons to make the same.

16. The Committee by their Order may from Time to Time enlarge the Time within which the First Valuation Lists under this Act shall be made by the Overseers of all or any of the Parishes in the Union, and for ensuring a uniform and correct Valuation of every Parish in the Union may direct that any existing Valuation of the rateable Hereditaments in any Parish be revised, in whole or in part, or a new Valuation of such Hereditaments be made by the Overseers, or the Committee may, with the Consent of the Board of Guardians of the Union, after Notice shall have been sent to every Guardian thereof, in any Case appoint some Person for either of the Purposes aforesaid, and may direct such Person to make and sign the Valuation List instead of the Overseers, and every Valuation List so made and signed shall be delivered by such Person to the Overseers of the Parish to which the same relates.

Valuation Lists to be deposited for Inspection, and afterwards transmitted to the Committee.

17. The Valuation List for each Parish, made and signed by the Overseers, or delivered to them, as herein-before provided, shall be deposited by the Overseers in the Place in such Parish in which Rate Books are deposited or kept, and a Copy of such Valuation List shall be forthwith delivered to the Board of Guardians, and the Overseers shall give public Notice of the Deposit of such List on the *Sunday* next following the Deposit of such List, and such Notice shall be given in the same Manner, and all Persons assessed or liable to be assessed to the Relief of the Poor of such Parish shall have the like Right of inspecting, and of demanding and taking Copies of and Extracts from such List, as in the Case of a Poor Rate allowed by the Justices, and the Overseers shall, at the Expiration of Fourteen Days from the Time of the Notice given of the Deposit of such List, transmit the same to the Committee, and any Overseer or other Ratepayer within the Union shall have the Right of inspecting and taking Copies of and Extracts from any of the Lists so transmitted.

Objections to Valuation List.

18. Any Overseer or Overseers of any Parish in any Union who shall have reason to think that such Parish is aggrieved by the Valuation List of any Parish within such Union, or any Person who may feel himself aggrieved by any Valuation List on the Ground of Unfairness or Incorrectness in the Valuation of any Hereditaments included therein, or on the Ground of the Omission of any rateable Hereditament from such List, may at any Time after

the Deposit as aforesaid of such List, and before the Expiration of Twenty-eight Days after the Notice of the Deposit as aforesaid, give to the Committee and to the Overseers a Notice in Writing of his Objection, specifying the Grounds thereof, and where the Ground of any Objection shall be Unfairness or Incorrectness in the Valuation of any Hereditament in respect of which any Person, other than the Person objecting, is liable to be rated, or the Omission of such Hereditament, also give Notice in Writing of such Objection, and of the Ground thereof, to such other Person.

Committee to hold Meetings to hear Objections.

19. The Committee shall hold such Meetings as they may think necessary for hearing Objections to the Valuation Lists, and shall, Twenty-eight Days at least before holding every Meeting for hearing Objections to Valuation Lists, other than Meetings by Adjournment, cause Notice of such Meeting to be given to the Overseers of the several Parishes to which such Lists relate, and such Overseers shall, on the *Sunday* next following the Receipt of such Notice, publish the same in the Manner in which Notice of a Rate allowed by Justices is by Law required to be given, and the Committee may at any such Meeting hear and determine such Objections, or may from Time to Time adjourn any such Meeting, and adjourn or postpone the Hearing or further Hearing and Determination of any such Objections, and may, where they think fit, direct Notice of any such Objections to be given by the Overseers or by the Persons objecting to Third Parties before the further Hearing thereof; but the Committee shall not be required to hold a Meeting for hearing Objections to the Valuation List of any Parish, unless such Notice in Writing as herein-before mentioned of some Objection or Objections thereto have been given to the Committee; and where a Meeting is holden for hearing Objections to the Valuation List of any Parish, the Committee shall not hear any Objection to such Valuation List unless such Notice as aforesaid of such Objection have been given to the Committee and to the Overseers; and where the Ground of such Objection is Unfairness or Incorrectness in the Valuation of any Hereditament of any other Person than the Person objecting, or the Omission of such Hereditament, also to such other Person by the Person objecting, except where the Overseers, by themselves or any other Person on their Behalf, and in the Case aforesaid such other Person as aforesaid, by himself or any other Person on his Behalf, consent to the Hearing of such Objection, and in such Case the Committee may, if they see fit, hear the same; and where the Committee see fit to hear the same they shall act in relation thereto in like Manner as if Notice of such Objection had been duly given.

Board may direct further Valua-

20. The Committee may, whether any Objection be or be not made to any such Valuation List, and either before or after any Meeting

Meeting for hearing Objections, make such Alterations in the Valuation of any Hereditaments included in any Valuation List, and insert therein any rateable Hereditament omitted therefrom, and make such Corrections in Names, Descriptions, and Particulars in any Valuation List, and upon such Information, as to them may seem sufficient, and may, with the Consent of the Guardians as aforesaid, appoint or employ a Person to survey and value the rateable Hereditaments comprised in any such Valuation List or any of them, or omitted therefrom, or may take such other Means as they may think necessary for ascertaining the Correctness thereof; and when the Committee have heard and determined all such Objections as aforesaid, and have made such Alterations, Insertions, and Corrections in any Valuation List as to them may seem proper, they shall approve the same under the Hands of Three Members of the Committee present at the Meeting at which the same is approved, with the Date of such Approval.

tion, and correct Valuation Lists, and when corrected to approve the same.

21. Where the Committee make any Alteration in the Valuation of any Hereditaments included in, or insert therein any rateable Hereditament omitted from, any such Valuation List, they shall cause such Valuation List, with such Alteration or Insertion, to be deposited for Inspection in manner herein-before provided concerning the Valuation List made by or delivered to the Overseers, and shall cause the like Notice to be given of such Deposit as is required in the Case of a Valuation List so made or delivered as aforesaid, and shall appoint a Day, not less than Seven Days nor more than Fourteen Days from the Re-deposit of such Valuation List, for the Hearing of any Objections to the Valuation List as so altered; and when the Committee have heard and determined any such Objections, or have made such further Alterations, Insertions, and Corrections in such Valuation List, they shall approve the same in manner herein-before provided.

Valuation List when altered to be deposited, &c.

22. In case any Ratepayer shall under the existing Law appeal to the Special Sessions or Quarter Sessions against any Rate made for the Relief of the Poor in any Parish, and the Result of such Appeal shall be to amend the Rate appealed against, the Assessment Committee shall alter the Valuation List of the said Parish in conformity with the Decision so made.

If on Appeal a Rate is amended the Valuation List to be altered.

23. Every Valuation List, when approved by the Committee, shall be delivered to the Overseers of the Parish to which the same relates, and shall be preserved at the like Place and in the like Custody, and be subject to the like Resort thereto, and be delivered over from Time to Time in like Manner, as the Books are wherein

Custody, &c. of Valuation List after Approval.

Rates

Rates and Assessments for the Relief of the Poor for the same Parish are entered, and shall be produced by the Overseers before the Justices, upon Application, for the Allowance of Rates, and at the Special or General or Quarter Sessions when any Appeal is to be heard, and also at such Times and Places as the Committee may from Time to Time direct.

What shall be deemed Valuation Lists in force.

24. Every Valuation List approved by the Committee, and delivered to the Overseers of the Parish to which the same relates, shall, with and subject to the Alterations and Additions for the Time being made therein or thereto by any supplemental Valuation Lists so approved and delivered, be the Valuation List in force in such Parish, except in the Case of any Parish, as is herein-after referred to, in which the Poor Rate, or Assessment for the Poor Rate, is made under the Authority of a Local Act, until a new Valuation List in substitution for the same be approved and delivered in like Manner.

Overseers to prepare supplemental Valuation Lists in case of Additions to or Alterations in the rateable Property of the Parish.

25. When and so often as any Property not included in the Valuation List in force in any Parish becomes rateable, or where, by reason of any Alteration in the Occupation of any Property included in such List, such Property becomes liable to be rated in Parts not mentioned in such List as rateable Hereditaments and separately valued therein, and when and so often as it shall appear to the Overseers that any rateable Property included in such List has been increased or reduced in Value since the Valuation thereof, whether by Building, Destruction of Building, or other Alteration in the Condition thereof or otherwise, the Overseers of the Parish in each of the Cases aforesaid shall, as soon as conveniently may be, make a supplemental Valuation List showing the annual rateable Value according to the Judgment of the Overseers of the Property so become rateable, or of the Parts so become liable to be rated separately, or of the Property so increased or reduced in Value, as the Case may be.

Committee may from Time to Time direct new Valuation, and new or supplemental Valuation Lists.

26. The Committee by their Order may from Time to Time, where they see fit, upon the Application of any Person aggrieved by the Valuation List in force in any Parish, or where they themselves think the same expedient, direct a new Valuation of all or any of the rateable Hereditaments in such Parish, and a new Valuation List in substitution for such Valuation List as aforesaid, or a supplemental List in substitution for any Part thereof or in addition thereto, to be made by the Overseers, or the Committee may, with such Consent as aforesaid, appoint a Person for such Purposes; and the Committee may, in directing such new Valuation, and the making of such new or supplemental Valuation List, give and make all such or the like Directions

Directions and Provisions in relation thereto as they are authorized under this Act to give and make in relation to the Valuations and Valuation Lists first directed and authorized to be made under the Act.

27. All the Provisions of this Act in relation to Signature, Deposit, Objections, Approval, and otherwise concerning the Valuation List first directed and authorized to be made under this Act of the rateable Hereditaments in any Parish shall be applicable to every new or supplemental Valuation List to be made under this Act.

This Act as to Valuation Lists first directed to be made to apply to new and supplemental Valuation Lists.

28. In every Parish where a Valuation List under this Act has been approved and delivered to the Overseers, no Rate for the Relief of the Poor, or other Rate which by Law is required to be based upon the Poor Rate, shall be of any Force, unless the Hereditaments included in such Rate, except as herein-after provided, be rated according to the annual rateable Value thereof appearing in the Valuation List in force in such Parish; and instead of the Declaration required by the Second Section of the said Statute of the Sixth and Seventh Years of *William* the Fourth, Chapter Ninety-six, the Overseers shall, before the Rate shall be allowed by the Justices, sign a Declaration according to the Form set forth in the Schedule hereunto annexed: Provided always, that where by reason of any Alteration in the Occupation of any Property included in such List such Property has become liable to be rated in Parts not mentioned in such List as rateable Hereditaments, and separately rated therein, such Parts may, where a supplemental Valuation List showing the annual rateable Value of such Parts has not been approved and delivered as herein-before required, and whether such List has or has not been made, be rated according to such Amounts as shall be fair apportioned Parts of the annual rateable Value appearing in such Valuation List in force as aforesaid of the Hereditaments out of which such Parts have been constituted.

After a Valuation List is approved no Rate to be allowed unless made according to such List.

29. The Provisions of Section Twenty-eight shall not apply to any Poor Rate made by any Vestry, Trustees, Guardians, Commissioners, Overseers, or other Persons authorized by any Local Act to make the Rate for the Relief of the Poor in any Parish, or the Assessment on which such Rate is made.

Provision for Places under Local Acts.

30. When the Assessment Committee for any Union shall have approved Valuation Lists for all the Parishes comprised within such Union, the Guardians of such Union, in computing the Amount of Contribution to the Common Fund for the several Parishes, shall thenceforward take the annual rateable Value of the Property in such

In computing Amount of Contributions to Common Fund the annual rateable Value to be taken from approved Valuation Lists.

Parishes respectively from the Valuation Lists for the Time being lastly approved of for such Parishes respectively, any Statute to the contrary notwithstanding: Provided that in case any Parish comprised in any Union shall receive any Sum of Money as a Contribution in aid of the Poor Rate of such Parish, for or in respect of Government Property within such Parish and used for public Purposes, the annual Value of such Property, according to the Estimate (if any) of such Value on which the Amount of the Sum of Money so received is computed, or, if there be no such Estimate, then the annual Value of such Property, estimated in the Mode provided by the Act Sixth and Seventh *William* the Fourth, Chapter Ninety-six, for making an Estimate of the annual rateable Value of Property liable to be rated to Rates for the Relief of the Poor, shall be included by the Overseer or Overseers in the Valuation List of such Parish, and shall be added to the annual rateable Value of the Property in such Parish in computing the Amount of Contribution to the Common Fund for the several Parishes in such Union.

Copy of Valuation Lists to be deposited in Board Room.

31. The Committee shall cause a Copy of the Valuation List for the Time in force for every Parish in the Union to be made and deposited at the Board Room or other convenient Place to be appointed by the Board of Guardians in the Custody of the Clerk, which Copy shall be open at seasonable Times to the Inspection of any of the Guardians of the Union, and of any Overseer of any Parish within the Union, without Charge, and of any Ratepayer within the Union on Payment of One Shilling, such Fee to be carried to the Account of the Common Fund.

Appeal against Valuation List.

32. If the Overseer or Overseers of any Parish in any Union shall have Reason to think that such Parish is aggrieved by the Valuation List of any Parish within such Union, whether it be on the Ground that the rateable Hereditaments comprised in the Valuation List of such Parish are valued at Sums beyond the annual rateable Value thereof, or on the Ground that the rateable Hereditaments comprised in the Valuation List of some other Parish in such Union are valued at Sums less than the annual rateable Value thereof, it shall be lawful for such Overseer or Overseers, with the Consent of a Vestry summoned for the Purpose of considering the Expediency of giving such Consent, to appeal to the Quarter Sessions for the County or Borough in which the greatest Number of Parishes belonging to the Union is situate, or, in case the Number of Parishes in any Two or more such Jurisdictions is equal to the Quarter Sessions for the County or Borough having Jurisdiction over the Parish in which the Workhouse of the Union is situate, at the Sessions to be holden after the Expiration of a Month after the Allowance of and Deposit of such Valuation

Valuation List as aforesaid, against such Valuation List of the Parish which shall appear to be over-valued or under-valued; and if in any Case any such Overseer or Overseers appeal against the Valuation List of any other Parish on the Ground that the rateable Hereditaments in such List are valued at less than the annual rateable Value thereof, such Overseer or Overseers shall give Fourteen clear Days Notice in Writing previous to the First Day of the said Quarter Sessions at which the Appeal is to be made of the Intention to appeal, and the Grounds thereof, to the Overseers of the Poor of such Parish, and to the Guardians of the Union comprising such Parish; and if any Overseer or Overseers of any Parish appeal against the Valuation List of such Parish on the Ground that the rateable Hereditaments in such List are valued beyond the annual rateable Value thereof, such Overseer or Overseers shall give Fourteen Days Notice in Writing previous to the Quarter Sessions at which the Appeal is to be made of the Intention to appeal, and the Grounds thereof, to the Guardians of the Union in which such Parish is situate, the said Court shall be empowered to hear and determine such Appeal, and either confirm such Valuation List, or correct such Irregularities or Inaccuracies as shall be proved to exist therein as to them may appear fair and just; but no such Valuation List shall upon such Appeal be quashed or destroyed in regard to any other Parish unless the Court deem it necessary to proceed to the making of an entire new Valuation List as herein-after provided.

Hearing and determining Appeals.

33. It shall be lawful for the Court of Quarter Sessions upon any such Appeal, instead of hearing the said Appeal, to adjourn the same, and to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey or Valuation of any of the Parishes in respect of which such Appeal shall be made, and to fix the next or some subsequent Sessions for receiving such Survey or Valuation, and for hearing and determining such Appeal; and such Court shall also thereupon appoint a proper Person to make such Survey or Valuation, and the Person so appointed shall have Power, with or without Assistants, to enter upon and survey, measure, and value all the Hereditaments liable to be assessed to the Rates for the Relief of the Poor within the Parish or Parishes mentioned in such Order, and such Survey and Valuation shall be reported to the Quarter Sessions on Adjournment fixed as aforesaid for receiving the same, and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

Costs of Valuation and Appeal.

34. The Charges and Expenses of any such Survey and Valuation so ordered shall be deemed Costs in such Appeal, and abide the Event thereof, and the Court before which any such Appeal is heard and

and determined may order the Costs in and about the Appeal to be paid by either the Appellant or Respondent Party, as they in their Discretion may think fit; but where any Appeal is made on the Ground that the rateable Hereditaments of any Parish comprised in the Valuation List of such Parish are valued beyond the annual rateable Value thereof, if the Court on such Appeal determine in favour of the Appellants, such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Board of Guardians of the Union in which such Parish is situate to pay the same to the Appellants out of the Money raised for the Common Fund for the several Parishes in such Union.

Act not to prevent Composition for Rates.

35. Nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such Manner as they were by any Statute or Statutes enabled to do before the passing of this Act.

Saving of Exemptions and special Rules of rating.

36. Nothing herein contained shall extend or be taken to render liable to be rated any Property, or any Person in respect of any Occupation not now by Law rateable of any Property, or to deprive any Property, or the Occupier of any Property, of the Benefit of any Exemption, in whole or in part, to which such Property or Occupier is now by Law entitled, from any Poor Rate or other Rate which by Law is required to be based upon the Poor Rate, or to render liable to be rated, according to the annual rateable Value thereof, any Property which under any Local Act or otherwise is entitled to be rated upon a fixed Amount, or according to any special or exceptional Principle of Valuation, whether such Property shall or shall not be included in any Valuation List in force under this Act, or shall in anywise affect the Provisions of "The *Cambridge* Award Act, 1856," or the Act of the Seventeenth and Eighteenth *Victoria* relating to the Relief of the Poor in the City of *Oxford*.

Board may allow Compensation for Returns, &c. and Expenses.

37. The Committee may allow such Compensation for any Returns, Copies, or Extracts, or any Valuation, or Valuation List, or other Act, Matter, or Thing to be made or done in pursuance of their Order, and such Expenses connected therewith, as to the Committee in each Case seems just.

Remuneration to Clerk and certain Expenses of Committee to be paid out of Common Fund.

38. The Remuneration allowed by the Committee to their Clerk, and all Expenses incurred by them for the common Use and Benefit of the several Parishes within the Union for which they are appointed, shall be paid by the Guardians of the said Union, and be charged upon the Common Fund thereof.

39. The

Parochial Assessments.
[*The Union Assessment Committee Act*, 1862.]

39. The Expenses of making any Valuation and Valuation List of any Parish, or any of such Expenses, whether such Valuation and Valuation List respectively be made by the Overseers, or by any Person appointed by the Committee, shall be charged upon the Poor Rates of such Parish if the Valuation made by Direction of the Committee shall exceed by One Sixth the Amount of the Valuation delivered to them by the Overseers, and upon the Common Fund of the said Union if the Valuation so made as last mentioned shall not exceed by One Sixth the Valuation so delivered as aforesaid.

Expenses of Valuation, &c. to be paid out of Poor Rates.

40. Every Person who wilfully refuses to attend in obedience to any lawful Order of any such Committee, or to give Evidence, or refuses to produce any Rate Book, Assessment, or Valuation which may be lawfully required to be produced before such Committee, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds upon a summary Conviction for the same before Two Justices of the Peace; and every Person who wilfully injures, defaces, conceals, or destroys such Rate Book, or who upon any Examination before any such Committee wilfully gives false Evidence, shall be deemed guilty of a Misdemeanor.

Penalty for Non-attendance, &c., in obedience to Order of the Committee.

Injuring, &c. Rate Books a Misdemeanor.

41. Every Order and Notice made or given by the Committee under this Act may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk, and may be served by the same or a Copy thereof being delivered personally or sent by the Post to the Party on or to whom such Order or Notice purports to be made or given, or by being delivered at his usual Place of Abode.

Authentication and Service of Orders and Notices of the Committee.

42. Any Notice or Statement required to be served upon the Committee may be served by being left at the Office of the Clerk to the Board of Guardians, or sent through the Post Office, addressed to the Committee at such Clerk's Office, or by being delivered personally to their Clerk, or at his usual Place of Abode.

Service of Notices, &c. on the Committee.

43. In every Parish, until a Valuation List has been approved, and delivered to the Overseers under this Act, every Rate made for the Relief of the Poor in such Parish shall be made in the Form and contain the Particulars required by the said Act of the Sixth and Seventh Years of King *William* the Fourth; and after such Valuation List has been so approved and delivered, every such Rate, except in any Parish where the Poor Rate or the Assessment for the same is made under the Provisions of a Local Act as aforesaid, shall show the annual rateable Value of each Hereditament comprised therein, according to the Valuation List in force in such Parish.

Provision as to Form of Poor Rate.

 44. All

Provisions concerning the Assessment, &c. of Poor Rates to be applicable to Rates made according to this Act.

44. All the Powers, Authorities, Provisions, Clauses, and Regulations now in force relating to the Assessment, Collection, and levying of Poor Rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of such Rate and for carrying this Act into execution.

Power for Unions under Gilbert's or Local Acts to be included in this Act.

45. And whereas there are divers Unions or Incorporations for the Relief of the Poor formed under Local Acts and under the Act of the Twenty-second Year of King *George* the Third, Chapter Eighty-three, which may desire to adopt the Provisions of this Act: Be it enacted, That any such Union or Incorporation, on Resolution to that Effect of a Majority, at Two successive Meetings of the Body, having under the Constitution of such Union or Incorporation the Management of the Relief of the Poor within the same, may, by Writing under the Hand of the presiding Chairman of the Second of such Meetings, apply to the Poor Law Board to be included in this Act; and such Union or Incorporation, upon the Consent of the Poor Law Board being given to such Application under its Seal, shall be so included; and such Consent so signified shall be Evidence that such Application was in all respects duly made according to the Provisions above mentioned; and such Regulations shall thereafter be made from Time to Time by the said Board, with the Consent of such Body, as may be necessary to render the Provisions of this Act conformable with the Provisions of the Act under which the said Union or Incorporation shall have been formed.

Extent of Act.

46. This Act shall extend only to *England*.

SCHE-

SCHEDULE.

VALUATION LIST for [*the Parish or Place for which the List is made*] in the County of

Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.

Signed this Day of

A.B.
C.D. } Overseers of the Poor of the Parish aforesaid.

DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that One of us, or some Person on our Behalf, has examined and compared the several Particulars in the respective Columns of the above Rate with the Valuation List made under the Authority of the Union Assessment Committee Act of 1862, in force in this Parish (*or* Township), and the several Hereditaments are, to the best of our Belief, rated according to the Value appearing in such Valuation List.

_____ } Churchwardens.

_____ } Overseers.

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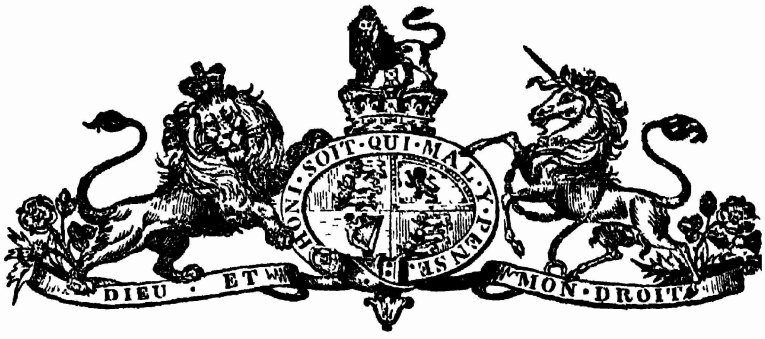

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

***

of Lord Chief Justice of Queen's Bench.

Keeper of the Queen's Prison shall certify under his Hand to the Lord Chief Justice of the Court of Queen's Bench a true List of the Names of the Prisoners then in his Custody, with the several Causes and Times of their Commitments, and as soon thereafter as conveniently may be the Lord Chief Justice of the Court of Queen's Bench shall issue his Warrant or Warrants from Time to Time under his Hand directed to the Keeper of the Queen's Prison, requiring him to deliver into the Custody of the Keeper of *Whitecross Street* Prison the Prisoners named in such Warrant, and upon the Receipt of any such Warrant the Keeper of the Queen's Prison shall deliver such Prisoners into the Custody of the Keeper of *Whitecross Street* Prison, with the Processes under which they were respectively committed, and such last-mentioned Keeper shall remove such Prisoners to *Whitecross Street* Prison.

If any Person named in any Warrant of the Lord Chief Justice has been lawfully discharged out of the Custody of the Keeper of the Queen's Prison before the Execution of the Warrant, the Keeper shall certify such Discharge under his Hand to the said Lord Chief Justice.

The Removal of any Prisoner in obedience to the Warrant of the Lord Chief Justice shall not be considered to be an Escape.

Custody of Prisoners committed in pursuance of Act.

4. All Persons removed or committed to *Whitecross Street* Prison in pursuance of this Act shall be in the Custody of the Keeper of that Prison, and be subject to the Rules for the Time being in force for the Regulation of *Whitecross Street* Prison, or to such other special Rules as may from Time to Time be approved by One of Her Majesty's Principal Secretaries of State for the Government of *Whitecross Street* Prison.

Any Part of *Whitecross Street* Prison may from Time to Time be appropriated for the Purposes of the Prisoners removed or committed there in pursuance of this Act, and the Intermixture of the said Prisoners with other Prisoners in the said Prison shall not be construed to be an Escape from the Custody under which the first-mentioned Prisoners are held.

Removal of Lunatic Prisoners.

5. If any Prisoner confined in *Whitecross Street* Prison under the Authority of this Act is reported by the Keeper thereof to One of Her Majesty's Principal Secretaries of State to be of unsound Mind, such Secretary of State may cause such Prisoner to be examined by Two Persons, being either Physicians or Surgeons, and upon their certifying that the Prisoner is of unsound Mind the Secretary of State may, by Warrant under his Hand, directed to the said Keeper, order such Prisoner to be removed to the Royal Hospital at *Bethlehem*, or to some other Asylum named in such Warrant.

The Removal of a Prisoner in pursuance of this Section shall not be deemed to be an Escape, and he shall remain under Confinement in such Hospital or Asylum, or in such other Hospital or Asylum as the Secretary of State may from Time to Time direct, until certified by Two Medical Men to be of sound Mind, in which Case he shall be sent back by Order of the Secretary of State to *Whitecross Street* Prison, if still liable to be confined there, and if not so liable shall be discharged.

Neither

Neither the President, Treasurer, or Governors of *Bethlehem Hospital*, nor the Superintendent of any Asylum to which a Prisoner may be removed under this Act, shall be answerable for the Escape of such Prisoner from such Hospital or Asylum.

Maintenance of Prisoners in new Prison.

6. The Commissioners of the Treasury, on behalf of Her Majesty, Her Heirs and Successors, and the Mayor and Aldermen of the City of *London*, may enter into such Agreements as they think fit with respect to the Contribution to be paid to the said Mayor and Aldermen on account of the Expenses to be incurred by them in the safe-keeping, lodging, Maintenance, and Care of the Prisoners removed or committed to *Whitecross Street* Prison in pursuance of this Act, and the Amount of Contribution so agreed to be paid shall be defrayed out of Monies to be provided by Parliament.

Payment for Maintenance of Prisoners.

7. And in the meantime, and until such Agreement shall be made, the Commissioners of the Treasury shall pay to the said Mayor and Aldermen, for the safe-keeping, lodging, Maintenance, and Care of Prisoners committed to *Whitecross Street* Prison under the Authority of this Act, a Sum bearing the same Proportion to the total Cost of the safe-keeping, lodging, Maintenance, and Care of the whole of the Prisoners as the daily average Number of Prisoners committed to the Custody of the Keeper under the Authority of this Act shall from Time to Time bear to the total Number of Prisoners in his Custody during the Period embraced in such Account.

Removal of Record.

8. As soon as all the Prisoners confined in the Queen's Prison have been discharged or been removed under this Act to *Whitecross Street* Prison, all Records, Books, and Papers in the Custody of any Officer of the Queen's Prison relating to the Business of the said Prison shall be delivered to such Person as One of Her Majesty's Principal Secretaries of State may direct, and the Office of Keeper of the Queen's Prison and all other Offices in the said Prison shall be abolished.

Discontinued Prison vested in the Crown.

9. Upon the Abolition of the Office of Keeper of the Queen's Prison, that Prison, with all the Messuages, Lands, and Tenements, Furniture and Fixtures, thereunto belonging, shall vest absolutely in the Commissioners of Public Works, upon Trust to be sold, conveyed, disposed of, or applied in such Manner as the Commissioners of the Treasury shall direct.

Appointment of Tipstaffs.

10. After the passing of this Act the Lord Chancellor, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer shall severally continue to appoint the Tipstaffs formerly appointed by the Warden of the *Fleet* Prison to act in the Courts of Chancery, Common Pleas, and Exchequer respectively, and the Lord Chief Justice of the Court of Queen's Bench shall severally continue to appoint the Tipstaffs formerly appointed by the Marshal of the Queen's Bench Prison to act in the Court of Queen's Bench, and the Tipstaffs so appointed shall perform the same Duties, so far as is consistent with the Provisions of this Act, and be entitled to the same Emoluments respectively, as the Tipstaffs heretofore appointed by the said Warden and Marshal respectively.

11. Every

Tipstaffs of Court of Chancery, &c. to give Security to Keeper for faithful Discharge of Duties.

11. Every Tipstaff of the High Court of Chancery, and of the Courts of Queen's Bench, Common Pleas, and Exchequer, shall give such Security by Bond or otherwise to the Keeper of *Whitecross Street* Prison for the Time being as the Commissioners of Her Majesty's Treasury, or any Three or more of them, direct, for the faithful Discharge of the Duties entrusted to them as such Tipstaffs of the said Courts respectively, in regard to any Prisoners confined in the *Whitecross Street* Prison, and the said Tipstaffs shall obey all such Directions and Instructions as they or either of them may from Time to Time receive from the said Keeper of the *Whitecross Street* Prison in respect of such Prisoners; and every Tipstaff of the said Courts, neglecting or refusing to give such Security when required so to do, or not obeying the Directions and Instructions of the Keeper of the *Whitecross Street* Prison, or his Deputy, in respect of such Prisoners as aforesaid, shall for every such Default incur a Penalty not exceeding One hundred Pounds, to be recovered in any of Her Majesty's Courts of Law in such Manner as the said Commissioners of Her Majesty's Treasury may direct.

Power to build new Prison.

12. If at any Time hereafter the Mayor, Aldermen, and Commons of the City of *London* provide such Prison Accommodation as may in the Opinion of One of Her Majesty's Principal Secretaries of State be properly substituted for *Whitecross Street* Prison, it shall be lawful for the said Secretary, by Writing under his Hand, to direct all the Prisoners confined in *Whitecross Street* Prison to be removed to the Prison so substituted, and upon such Removal being effected the said Prison at *Whitecross Street* shall be discontinued, and may be disposed of as the said Mayor, Aldermen, and Commons think fit; and the Prison so substituted shall for all Purposes be deemed to be in the Place of the Prison for which it is substituted.

Any Part of the substituted Prison may from Time to Time be appropriated for any of the Purposes of the discontinued Prison, and the Removal of the Prisoners from any Part of the substituted Prison to another Part of such Prison, or the Intermixture in such substituted Prison of Prisoners in different Custodies, shall not be construed to be an Escape from the Custodies under which such Prisoners are respectively held.

Appropriation of Charitable Gifts.

13. The Keeper of the Queen's Prison shall make out and deliver to One of Her Majesty's Principal Secretaries of State a true List of all Charitable Gifts and Bequests applicable to the Relief of the poor Debtors or other Prisoners in the Queen's Prison, and such Gifts and Bequests shall be applied for the Relief of discharged or other Prisoners in *England* in such Manner as may be settled by a Judge of the Court of Chancery in Chambers.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. CV.

An Act to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

[7th *August* 1862.]

WHEREAS by the Act Forty-third *George* the Third, Chapter Eighty, the Sum of Twenty thousand Pounds was directed to be issued from His Majesty's Exchequer in *Great Britain*, to be paid and applied by the Commissioners thereby appointed in the making and erecting Roads and Bridges in the Highlands of *Scotland*: And whereas by the Act Fifty-ninth *George* the Third, Chapter One hundred and thirty-five, further Commissioners were appointed, and on a Recital that certain Roads and Bridges had been made in the Highlands of *Scotland*, and that various Grants of Monies had been made for that Purpose, Provision was made for the Appropriation of the Monies granted in manner therein mentioned, and for the Payment out of the Public Money of a Sum of Five thousand Pounds annually towards the Purposes of the said Act: And whereas by the Act Fourth *George* the Fourth, Chapter

43 G. 3. c. 80.

59 G. 3. c. 135.

4 G. 4. c. 56.

Chapter Fifty-six, Provision was made for eventually increasing the Assessments leviable under the recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments, and for the Purpose of maintaining in repair the several Piers and Quays erected by the said Commissioners under the Authority of the recited Acts, or One of them, Power was given to the said Commissioners to levy certain Tolls or Dues on Vessels or Boats using, and on Goods embarked from or landed at such Piers and Quays: And whereas by the Act Fifth *George* the Fourth, Chapter Thirty-eight, further Provision was made for the Execution of the recited Acts, and specific Allotments out of the said annual Grants of Five thousand Pounds were made to the Counties therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same: And whereas by the Act Third and Fourth *William* the Fourth, Chapter Thirty-three, certain Powers were given to the said Commissioners to remove Doubts that had arisen in the Interpretation of the Two last-recited Acts in Cases where Tolls had been imposed upon Roads, for the Maintenance of which such Tolls had afterwards proved inadequate, and on a Recital that it had in some Cases appeared inexpedient to the said Commissioners to enforce the Provisions of the third-recited Act made for the Purpose of maintaining in repair the Piers and Quays erected by the said Commissioners, by levying Tolls or Dues thereon, the said Commissioners were empowered, in case they should deem it expedient, with the Consent of the Heritors and Commissioners of Supply of the County within which such Piers or Quays should be situate, to assume the Care of maintaining in repair, altering or improving the same, and such Piers and Quays were thenceforth to be maintained in repair by them in the same Manner and with and under the same Powers and Limitations as the Roads and Bridges whereon no Tolls were levied: And whereas under the Provisions of the recited Acts Roads and Bridges have been made, and Harbours, Ferry Piers, and Shipping Quays have been constructed, in several of the Northern Counties of *Scotland:* And whereas by the Act Fourteenth and Fifteenth *Victoria*, Chapter Sixty-six, on a Recital that the Stone Bridge over the River *Ness* at the Royal Burgh of *Inverness* had been destroyed by a Flood, and that there were no adequate available Means of defraying the Expenses of rebuilding the same, the said Commissioners were empowered to make a new Bridge over the River *Ness*, and Provision was made for the Appropriation of a Sum of Public Money, and also for an Advance of Ten thousand seven hundred Pounds out of the Consolidated Fund by way of Loan, and for the Repayment of the said Sum of Ten thousand seven hundred Pounds, with Interest, by means of certain Payments out of the Sums allotted by the fourth-recited Act, out of the annual Grant

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

14 & 15 Vict. c. 66.

Grant of Five thousand Pounds: And whereas by the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and thirteen, the Provisions of the last-recited Act were extended, and on a Recital that the Expense of erecting the said Bridge had exceeded the estimated Amount thereof, Provision was made for an Advance of a further Sum of Three thousand Pounds out of the Consolidated Fund by way of Loan, to be repaid, with Interest, in the same Manner as is provided by the last-recited Act with reference to the said Sum of Ten thousand seven hundred Pounds: And whereas such Payments have hitherto been regularly made, pursuant to the Provisions of the Two last-recited Acts: And whereas by the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-four, the annual Grant to the Commissioners charged by the second-recited Act upon the Public Revenues was directed to be thereafter paid out of such Aids or Supplies as might be from Time to Time provided by Parliament for the Purpose: And whereas the Payment of the said annual Sum of Five thousand Pounds has been discontinued by Parliament, and it is expedient that the Commission constituted by the first and second recited Acts should be dissolved, and that Provision should be made for winding up the Affairs thereof, and for the Maintenance of the Roads and Bridges, Harbours, Piers, and Quays made and erected under the Provisions of the recited Acts: And whereas by the Act Sixth and Seventh *Victoria*, Chapter Ninety-seven, the County of *Argyll* was for Road Purposes divided into Districts, which were placed under the Superintendence of District Road Trustees, and certain Provisions were made for the Purpose of maintaining the Roads under the Management of the said Commissioners: And whereas by the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one, all the Roads in the County of *Caithness*, with the Exception of the Roads within the Boundaries of the Towns of *Wick* and *Thurso*, and of the Roads under the Management of the said Commissioners, were vested in Trustees for the whole County: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 113.

17 & 18 Vict. c. 94.

6 & 7 Vict. c. 97.

23 & 24 Vict. c. 201.

1. This Act may be cited for all Purposes as "The Highland Roads and Bridges Act, 1862."

Short Title.

2. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Commissioners" shall mean the Commissioners of Highland Roads and Bridges; and the Expression "the Roads" shall mean the Roads and Bridges at present under the Management of the Commissioners.

Interpretation of Terms.

3. From

Dissolution of the Commission.

3. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Powers of the Commissioners shall, so far as regards the Control and Management of the Roads, and the Appointment and Payment of Officers, cease and determine, but all other Powers now vested in the Commissioners shall, for the Purpose of winding up their Affairs, remain and be exerciseable until the Commissioners shall, in compliance with the Provision contained in the second-recited Act, present their next Report to Parliament, and upon the Presentation of such Report the Commission constituted by the first and second recited Acts shall be absolutely dissolved.

Transfer of Roads and other Property to Commissioners of Supply.

4. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, the Roads which in any County are at present under the Management of the Commissioners, together with the Bridges, Lands, Toll Houses, Buildings, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever pertaining thereto respectively, shall, except in the Case of the Counties of *Argyll* and *Caithness*, be and are hereby transferred to and vested in the Commissioners of Supply of such County, and in the Case of the said County of *Argyll* shall be and are hereby transferred to and vested in the Road Trustees of the respective Districts of such County within which the Roads are respectively situate, and in the Case of the said County of *Caithness* shall be and are hereby transferred to and vested in the Road Trustees of such County; and such Commissioners of Supply or Road Trustees (as the Case may be) may act in respect thereof as effectually as the Commissioners might have done if this Act had not been passed.

Roads to be maintained by Commissioners of Supply.

5. From and after such Transfer as aforesaid, the Management of the Roads shall be vested in the Commissioners of Supply, or in the Road Trustees (as the Case may be) of the Counties within which such Roads are respectively situate; and the Commissioners of Supply or Road Trustees respectively shall thereafter maintain in proper and efficient Repair the Roads so transferred to them, and shall respectively have and exercise with reference thereto as well all the Rights, Powers, and Privileges possessed and enjoyed by them in connexion with the Roads at present under their Jurisdiction and Control within their respective Counties or Districts, as all the Rights, Powers, and Privileges which would have been competent to and might have been exercised by the Commissioners previous to such Transfer: Provided always, that it shall not be lawful to demand and take more than One Penny *per* Mile for every Horse drawing any Mail Carriage.

6. After

6. After such Transfers as aforesaid it shall be lawful for the Sheriff of any County in which any Part of the Roads is situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Heritors in such County, or in any Road District in the said County of *Argyll*, setting forth that any of the Roads in such County or District are not in a proper State of Repair, to hear such Evidence as to the Condition of such Roads, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repairs of the Roads, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint, either by the Complainers or the Commissioners of Supply, or the Road Trustees, (as the Case may be,) as he may think fit, and the Orders and Decrees of the Sheriff shall be final, and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Sheriff may make Orders for Repair of Roads.

7. And whereas the several Contracts for the Maintenance and Repair of the Roads enumerated in Schedule (A.) to this Act have been entered into by or on behalf of the Commissioners, and are still in force: From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two such Contracts shall cease and determine as regards the Commissioners or any Person or Persons acting on their Behalf, except in regard to any Claims due and payable by the Commissioners prior to the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, but shall be binding on and enforceable by and against the Commissioners of Supply or the Road Trustees (as the Case may be) of the Counties to which the same may respectively relate, as fully as the same would have been binding on or enforceable by and against the Commissioners, or such Person or Persons as aforesaid, if this Act had not been passed.

Contracts enumerated in Schedule (A.) may be enforced.

8. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the Commissioners, or by or against any Persons acting on their Behalf, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Commissioners of Supply of the respective Counties or the Road Trustees (as the Case may be), so far as the same are applicable to the Roads to be transferred to such Commissioners of Supply or Road Trustees respectively as aforesaid, in the same Manner in all respects as if this Act had not been passed.

Actions not to abate.

9. The Commissioners of Supply or the Road Trustees (as the Case may be) to whom the Roads shall be transferred as aforesaid may

Power to abandon Portions of Roads.

may abandon, alter, straighten, divert, or stop up, either temporarily or permanently, any Portions of the Roads so respectively transferred to them, should such Portions of Roads become, in the Opinion of such Commissioners of Supply or Trustees, unnecessary for general or local Traffic; and for the special Purposes aforesaid the Commissioners of Supply or the Road Trustees (as the Case may be) shall have and exercise all the Powers with respect to the Purchase of Lands by Agreement which are conferred upon the Promoters of Undertakings by "The Lands Clauses Consolidation (*Scotland*) Act, 1845:" Provided always, that at least Six Months Notice of the Resolution or Order to effect any of such Purposes shall be given in Writing to the Owners of the Lands adjacent to such Roads, and during that Time such Resolution or Order shall be inserted for Three successive Weeks in some One and the same Newspaper published in the County in which such Portions of Roads proposed to be affected may be situate, or if there be no such Newspaper, then in some One and the same Newspaper published in some adjoining or neighbouring County.

8 & 9 Vict. c. 19.

Persons aggrieved may appeal to the Sheriff.

10. Any Person who shall think himself aggrieved by such Resolution or Order may, within Ten Days after he shall have received such Notice as aforesaid, apply by summary Petition to the Sheriff of the County within which the Roads proposed to be affected are situate, setting forth specifically his Objections, which Petition shall be intimated to and served upon the Commissioners of Supply or the Road Trustees (as the Case may be), whose Resolution or Order may be objected to, and a Time and Place shall be appointed by the Sheriff for hearing the Parties thereon; and after hearing the Petitioner and the Commissioners of Supply or the Road Trustees (as the Case may be), and any other Persons who may be interested in such Petition, and taking such Evidence as he shall deem necessary, it shall be lawful for the Sheriff to suspend the Execution of such Resolution or Order, and to grant or refuse the Prayer of such Petition, in whole or in part, and to sustain or repel such Objections, and to pronounce such Judgment in reference thereto as he shall think fit.

If dissatisfied with Decision of Sheriff may appeal to the Lord Ordinary in the Court of Session.

11. If the Petitioners or Commissioners of Supply or the Road Trustees (as the Case may be), or any other Person interested in such Petition, and who made Appearance and was heard before the Sheriff, shall be dissatisfied with the Judgment of the Sheriff, it shall be competent to such Parties or any of them to appeal from such Judgment within One Month after the Date thereof, and to bring the same by Advocation under Review of any Lord Ordinary in the Outer House of the Court of Session; and the Judgment

to

to be pronounced by such Lord Ordinary in the Matter of such Petition shall be final, and shall not be subject to Review by the Inner House, or to Appeal to the House of Lords.

Assessment to be levied for the Purposes of this Act.

12. The Commissioners of Supply to whom the Roads shall be transferred as aforesaid shall annually impose and levy an Assessment in their respective Counties, either separately or as Part of a General Road Assessment, upon and from all Lands and Heritages within such Counties respectively, according to the yearly Rent or Value thereof, as established by the Valuation Rolls, made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, or any Local Act relating to any of such Counties, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act; and for the Purposes of this Act such Parts of the Counties of *Cromarty* and *Nairn* as lie in the County of Ross shall be considered as belonging to the said last-mentioned County; and the first of such annual Assessments shall be imposed at any of the half-yearly Meetings of such Commissioners of Supply which shall take place after the passing of this Act for the Year from the First Day of *January* One thousand eight hundred and sixty-three to the First Day of *January* One thousand eight hundred and sixty-four.

Roads in the Counties of Argyll and Caithness to be maintained out of Assessments levied under existing Acts.

13. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Twenty-sixth and Twenty-seventh Sections of the recited Act of the Sixth and Seventh *Victoria* shall be and the same are hereby repealed; and so long as such Act shall continue in force the General Road Trustees of the said County of *Argyll* shall annually apportion among the several Districts of the said County of *Argyll*, according to the Amount of their respective Valuations for Assessment under the said last-mentioned Act, such a Sum as may be required for the Maintenance of the Military Roads and Bridges within the said County; and the Road Trustees of the several Districts within the said County of *Argyll* to whom the Roads are to be transferred as aforesaid shall apply the Assessments which they are authorized to levy by such Act,

first,

first, in Payment to the County Collector in every Year of the Proportion falling to be paid by each District on account of the said Military Roads and Bridges as aforesaid, such County Collector paying to the Trustees of the Districts within which such Military Roads and Bridges are respectively situate the Monies which shall thus come into his Hands in proportion to the Length of such Military Roads within such last-mentioned Districts respectively; and, secondly, in or towards the Maintenance of the Roads within their respective Districts, in the same Manner in all respects as such Assessments are applicable to any Roads at present under the Jurisdiction and Control of the District Road Trustees; and from and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Forty-first Section of the recited Act of the Twenty-third and Twenty-fourth *Victoria* shall be and the same is hereby repealed; and so long as such Act shall continue in force the Road Trustees of the said County of *Caithness* shall apply the Assessments which they are authorized to levy by the said last-mentioned Act in or towards the Maintenance of the Roads so transferred to them as aforesaid, in the same Manner in all respects as such Assessments are applicable to any Roads at present under their Jurisdiction and Control.

Burghs to contribute to Repair of Roads within any Burgh.

14. When any Portion of the Roads is situate within any Burgh, the Commissioners of Supply or the Road Trustees (as the Case may be) who shall be entitled to levy Assessments in the County or District within which such Burgh may be situate shall take whatever Steps may be necessary for ascertaining the probable annual Cost of repairing and maintaining such Portion of the Roads, and they shall transmit to the Magistrates of such Burgh a Statement of such estimated Cost, and the Magistrates of such Burgh shall be bound within One Calendar Month after receiving such Statement to lodge in Writing with the Clerk of the Commissioners of Supply any Objections which they may have to the same, with the Reasons for such Objections, and failing to do so they shall not thereafter be entitled to dispute the Correctness of the Statement; and if any Objections shall be so lodged, and no Agreement can be come to as to the Correctness of the Statement within a Week after such Objections shall have been lodged as aforesaid, the Matters in difference shall be determined, upon the Application of any of the Parties, by the Sheriff, whose Decision shall be final and binding, and shall not be liable to Appeal or Suspension, Advocation or Reduction, or any other Form of Review; and upon the Statement being so agreed to or determined upon, the Magistrates of each Burgh shall annually enforce and levy such an Assessment upon and from the Lands and Heritages within such Burgh as shall be sufficient to defray

defray the annual Cost of repairing and maintaining such Portion of the Roads as aforesaid, and also the Cost of Assessment and Collection, and such Assessment shall be imposed and levied within such Burgh as like Assessments are imposed and levied therein, and such Magistrates as aforesaid may proceed in like Manner, and with the same Powers and Right of Action and Diligence, and of issuing summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment with which the said Magistrates may deem it most expedient the said Assessments should be laid on and collected, and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessments are hereby empowered and required to do so: Provided always, that in any Burgh in which there may be no Municipal or Police or other General Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment, they may collect the same in such Manner and by means of such Collectors or other Persons as they shall from Time to Time appoint; and the Magistrates of each Burgh shall from Time to Time hand over to the Commissioners of Supply or to the Road Trustees (as the Case may be) the full Amount of such annual Assessment, after deducting the Cost of Assessment and Collection, and such annual Assessment shall be expended for the general Repair and Maintenance of the Roads within such Burgh in such Manner as they shall think fit.

Boundaries of Burghs for the Purposes of this Act.

15. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; *viz.*, the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, the Act Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, and the recited Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

16. The whole Powers and Rights of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act, and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes, and other Public Taxes; and all Assessments imposed by virtue of this Act shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed.

17. From

Appointment of Committees and Officers.

17. From and after the passing of this Act the Commissioners of Supply of the several Counties to whom the Roads shall be transferred by virtue thereof may nominate Committees of their Number, in such Manner and with such Powers and for such Periods as they may deem proper, to superintend the Management of the Roads; and the Commissioners of Supply or the Road Trustees (as the Case may be) may appoint a fit Person or fit Persons to be Surveyor or Surveyors, Clerk or Clerks, or such other Officers as they shall think necessary for the due Execution of this Act, either separately or in connexion with other Roads under their Management, with such Salaries or Allowances as such Commissioners of Supply or Road Trustees (as the Case may be) shall think proper, for which Provision shall be made by Assessment made pursuant to this Act, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and to appoint others in their Room.

The Loans of 10,700*l.* and 3,000*l.* extinguished.

18. From and after the passing of this Act all future Payments which would have been made, pursuant to the Provisions of the Sixth and Seventh recited Acts, for the Repayment of the said Sums of Ten thousand seven hundred Pounds and Three thousand Pounds advanced on Loan as aforesaid, shall cease, and such Loans shall be considered as wholly repaid or extinguished.

Transfer of Piers and Harbours by Commissioners.

19. And whereas the Commissioners have, under Powers conferred upon them by the recited Acts or some of them, constructed several Harbours, Piers, and Quays: And whereas the Harbours enumerated in Schedule (B.) to this Act have, by various Local Acts or otherwise, been transferred to and are now vested in other Bodies or Persons, and the Piers and Quays enumerated in Schedule (C.) to this Act, though maintained out of Assessments made in the Counties in which they are respectively situate, are still the Property of the Commissioners, and the Harbours enumerated in Schedule (D.) to this Act have for some Time been and are now maintained by Rates and managed either by the Commissioners or by the Proprietors of the Lands in which such Harbours are situate: And whereas it is expedient that Provision should be made for the future Maintenance of the Piers, Quays, and Harbours in the said Schedules (C.) and (D.) to this Act: Such of the Piers and Quays enumerated in the said Schedule (C.) to this Act as are situate in the said County of *Argyll* shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Road Trustees within whose Districts such Piers and Quays are respectively situate, and all other Piers and Quays enumerated in the said Schedule (C.) to this Act shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Commissioners of Supply of the Counties within which such Piers and Quays

Quays are respectively situate, and from and after such Transfers such Piers and Quays shall be maintained by such Road Trustees or Commissioners of Supply respectively (as the Case may be), in the same Manner and under the same Conditions as they are respectively bound to maintain the Roads to be respectively transferred to them under the Provisions of this Act; and the Harbours enumerated in the said Schedule (D.) to this Act may be transferred by the Commissioners in such Manner and upon such Terms as they shall think fit to the Owners of the Lands in which such Harbours are respectively situate; and in case any of such Owners shall decline to accept such Transfer, then to such other Person or Persons as the Commissioners may in the Exercise of their Discretion think fit; and the Limits of any Harbour which may be transferred pursuant to this Act shall extend to Three hundred Yards, measured in a straight Line along the Coast, on either Side of such Harbour, and the same Distance Seaward, measured from the Mouth or Entrance thereof; and upon the Transfer of any Harbour as aforesaid the Person or Persons to whom such Transfer may be made shall have and exercise all the Powers and be subject to all the Liabilities which are conferred and imposed upon Undertakers by "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of such Liabilities as are imposed by Sections Sixteen, Seventeen, Eighteen, Nineteen, Forty-nine, and Fifty of the said last-mentioned Act: Provided always, that the Road Trustees or the Commissioners of Supply (as the Case may be) to whom the said Piers and Quays shall be transferred as aforesaid may abandon any of such Piers and Quays as may in their Opinion be or become unnecessary for general or local Trade, but in the Exercise of this Power the Road Trustees or the Commissioners of Supply (as the Case may be) shall be subject and liable to similar Provisions and Conditions with regard to Notices, Applications to the Sheriff, and Appeals to the Lord Ordinary of the Court of Session, as are contained and prescribed in the Ninth, Tenth, and Eleventh Sections of this Act with reference to the Abandonment of Portions of Roads.

Power to levy Rates and to borrow Money.

20. The Persons to whom the several Harbours enumerated in the said Schedule (D.) to this Act may be transferred under the Powers of this Act respectively, and their respective Heirs and Assigns, may demand and receive in respect of the Vessels, Goods, Persons, and Things in Schedule (E.) to this Act described entering or using, or shipped or unshipped, landed or delivered in such Harbours respectively, any Sums not exceeding the Rates in the said Schedule (E.) to this Act specified; and such Persons respectively, and their respective Heirs and Assigns, may from Time to Time borrow on the Security of such Rates such Sums of Money as may be required to enlarge

enlarge and improve the Harbours which may be so transferred as aforesaid: Provided always, that the Interest accruing on the Money so borrowed shall be regularly kept down and not allowed to accumulate, and that the Principal Sums borrowed shall be respectively repaid within Fifty Years from the Time of borrowing.

Sheriff may make Orders for Repair of Piers, &c.

21. After any such Transfer of Piers, Quays, or Harbours as aforesaid (but subject to the Power of Abandonment contained in the Nineteenth Section of this Act) it shall be lawful for the Sheriff of any County in which such Piers, Quays, or Harbours are respectively situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Persons being Heritors of such County, or ordinarily using such Piers, Quays, or Harbours, setting forth that any of the same are not in a proper State of Repair, to hear such Evidence as to the Condition thereof, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repair of the said Piers, Quays, or Harbours, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint as he may think fit, and the Orders and Decrees of the Sheriff shall be final and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Endurance of Act.

22. The Powers and Provisions of this Act, so far as regards the Erection and Maintenance of all Gates, and the Imposition and levying of Tolls, shall be and continue in force for the Term of Twenty-one Years from and after the passing of this Act, and thence to the End of the then next Session of Parliament.

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SCHEDULES referred to in this Act.

SCHEDULE (A.)

CONTRACTS OF THE COMMISSIONERS STILL IN FORCE.

Roads or Districts of Roads.	Length of Roads under Contract.		Names of Contractors.	When Contracts expire.	Annual Amount of Contracts.			At what Periods payable.	Total Amount payable under Contracts.		
COUNTY OF INVERNESS.	Miles.	Yards.			£	s.	d.		£	s.	d.
Inverness and Nairn Road, Fort George Road and Branches, and North Part of North Boleskine Road	31	0	James Mac Gillivray.	1st June 1863	306	13	0	Aug., Sept., Dec., and June.	919	19	0
Moy Badenock and Inverfarigaig Road.	42½	0	John and Donald Grant.	Do.	429	10	0	Do.	1,288	10	0
Southern Portion of Badenock Road.	41	0	John and Donald Grant.	Do.	445	0	0	Do.	1,335	0	0
Eastern Portion of Fort William and Ardochy Branch Road.	23½	0	John Cameron -	Do.	130	0	0	Do.	390	0	0
Western Portion of Fort William Road.	22	0	Jas. Mc Gillivray and Peter Cameron.	Do.	155	0	0	Do.	465	0	0
South Boleskine and South Portion of North Boleskine Road.	26¼	0	Duncan McDonald	Do.	106	0	0	Do.	318	0	0
Glenelg Road - -	7¾	0	Donald Cameron	Do.	45	0	0	Do.	135	0	0
Sconser and Ashick Roads	27½	0	Jno. Kennedy and Alex. Robertson	Do.	130	0	0	Do.	390	0	0
Broadford Road - -	15¾	0	Malcolm and Donᵈ McInnes.	Do.	82	0	0	Do.	246	0	0
Stein, Macleod, and Dungevan Roads.	34	0	Donᵈ and Ewen McInnon.	Do.	160	10	9	Do.	481	12	3
Portree Road - -	12⅓	0	Do.	Do.	86	5	8	Do.	258	17	0
East Laggan and Carryarrock Road.	28¼	0	John Macdonald	10th June 1864	137	0	0	Do.	411	0	0
Speyside Road - -	6	200	Duncan Cameron	Do.	35	0	0	Do.	106	10	0
Beauly and Strathglass Road	38	0	John Forsyth -	1st June 1864	431	15	0	Do.	1,295	5	0
Glengarry 31 m. 1,113 yds. and Rhaebine Rd. 3 m.	34	1,113	Ewen Cameron -	Do.	175	0	0	Do.	525	0	0
West Laggan Road -	16	0	John Cameron -	Do.	88	0	0	Do.	264	0	0
Ballechernoch Road -	5	0	John McDonald	Do.	21	0	0	Do.	63	0	0
Invermorriston Road -	27	0	Alexr. Mackenzie	Do.	208	0	0	Do.	624	0	0
Snizort Road - -	18	0	Alexr. Maclean -	Do.	153	5	0	Do.	459	15	0
Total - -	456	1,313			3,325	9	5		9,976	8	3
COUNTY OF ROSS.											
Contin and Fearn Road -	30¾ Miles		Donald Mann -	1st June 1863	388	1	4	Do.	1,164	4	0
Invergordon Road - -	17	„	John Munro -	Do.	324	11	4	Do.	973	14	0
Tain Road - - -	15	„	Donald Ross -	Do.	148	5	8	Do.	444	17	0
Glenshier Road and Glenelg Road.	20¾	„	Donald Cameron	Do.	104	10	0	Do.	313	10	0
Lochalsh and Ardelve Road	16½	„	Jno. Kennedy and Alex. Robertson.	Do.	80	0	0	Do.	240	0	0
Dingwall Fortrose and Kessock Branch Roads.	29½	„	Wm. and James Stewart.	1st June 1864	480	0	0	Do.	1,440	0	0
Eastern Division of Loch Carron Road.	25	„	John Fraser -	Do.	134	15	4	Do.	404	6	0
Western Division of Loch Carron Road and Kishorn Road.	37	„	Duncan Matheson	Do.	149	0	0	Do.	447	0	0
Rhaebine Road - -	7	„	Ewen Cameron -	Do.	35	0	0	Do.	105	0	0
Total -	198½ Miles				1,844	3	8		5,532	11	0

Highland Roads and Bridges.

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contract.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF SUTHERLAND.				£ s. d.		£ s. d.
Sutherland Coast Road -	47 Miles	John Grant -	1st May 1864	508 19 6	Aug., Sept., Dec. & June	1,526 18 6
COUNTY OF CAITHNESS.						
Dunbeath Road - -	33 Miles	Donald Mackenzie	1st May 1863	485 2 0 for two yrs.	Do.	970 4 0
Thurso Road - -	21 „	George Gilchrist	1st May 1864	386 0 0	Do.	1,158 0 0
Total -	54 Miles			871 2 0		2,128 4 0
COUNTY OF NAIRN.						
Findhorn 11 Miles, and Bemuchlye Road 9¼ Miles.	20¼ Miles	Angus McDonald	10th June 1864	89 0 0	Do.	267 0 0
COUNTY OF MORAY.						
Grantown 20 Miles, and Duthel Road 6½ Miles.	26½ Miles	John and Donald Grant.	1st June 1863	229 0 0	Do.	687 0 0
Findhorn Road - -	3 „	Angus McDonald	10th June 1864	13 0 0	Do	39 0 0
Speyside Road - -	6 „	Duncan Cameron	„	35 10 0	Do.	106 10 0
Total -	35½ Miles			277 10 0		832 10 0
COUNTY OF BANFF.						
Speyside Road - -	1⅔ Miles	Duncan Cameron	10th June 1864	9 15 0	Do.	29 5 0
Total -	1⅔ Miles			9 15 0		29 5 0
COUNTY OF ARGYLL.						
Kilmelford Road - -	8¾ Miles	Neil Munro -	10th June 1864	40 0 0	Do.	120 0 0
Strachur Road - -	12 „	Don^d and Peter Ferguson.	20th May „	58 4 0	Do.	174 12 0
Glendaruel Road - -	21 „	Archibald McDonald.	20th May „	123 0 0	Do.	369 0 0
Total -	41¾ Miles			221 4 0		663 12 0

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SCHEDULE (B.)

HARBOURS NOT NOW THE PROPERTY OF THE COMMISSIONERS

1. Burghead, in the County of Moray.
2. Fraserburgh, in the County of Aberdeen.
3. Peterhead, in the County of Aberdeen.
4. Kirkwall, in the County of Orkney.
5. East Tarbet, in the County of Argyll.
6. Fortrose, in the County of Ross.
7. Tobermory, in the County of Argyll.
8. Banff, in the County of Banff.
9. Macduff, in the County of Banff.
10. Dingwall, in the County of Ross.
11. Cullen, in the County of Banff.
12. Gourdon, in the County of Kincardine.
13. Inverfarigaig, in Lochness, in the County of Inverness.
14. Jura, Small Isles, in the County of Argyll.
15. Nairn, in the County of Nairn.

SCHEDULE (C.)

PIERS AND QUAYS MAINTAINED BY COUNTY ASSESSMENTS.

1. Invergordon and Inverbrakie Ferry Piers, in the County of Ross.
2. Chanonry Ferry Pier, in the County of Ross.
3. Keills and Lagg Ferry Piers, in the County of Argyll.
4. St. Catherine's Ferry Pier, in the County of Argyll.
5. Kylerhed Ferry Piers, in the County of Inverness.
6. Corran Ferry Piers, in the Counties of Inverness and Argyll.
7. Kylehakin Ferry Piers, in the Counties of Inverness and Ross.
8. Dornie Ferry Pier, in the County of Ross.
9. Strome Ferry Piers, in the County of Ross.
10. Feoline Ferry Pier, in Jura, in the County of Argyll.
11. Brodick Pier, in Arran, in the County of Bute.
12. Blackwater-foot, in the County of Argyll.

SCHEDULE (D.)

HARBOURS MAINTAINED BY RATES.

1. Avoch, in the County of Ross.
2. Ballintraid, in the County of Ross.
3. Portree, in the County of Inverness.
4. Portmahomack, in the County of Ross.

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SCHEDULE (E.)

Rates on Vessels using the Harbours.

		s.	d.
For every decked or partly decked Vessel:			
Under the Burden of 20 Tons	per Ton	0	4
Of the Burden of 20 Tons and not exceeding 100 Tons	per Ton	0	6
Of the Burden of 100 Tons and upwards	per Ton	0	10

Rates on Herring Boats, &c.

For every Herring Boat and every undecked Boat coming to the said Piers with Herrings or fresh Fish, on landing or taking on board Goods or dried or salt Fish	each	0	6

Rates on Passengers.

For every Person landing from or embarking in any Vessel		0	3

Rates on Animals and Goods shipped or unshipped in the Harbours

Ale, Beer, or Porter	per Hogshead	0	6
Beef, fresh or salted, or other Provisions	per Barrel	0	3
Bone Dust	per Ton	1	0
Bricks	per 1,000	0	8
Butter	per Cwt.	0	2
Carriages with Four Wheels	each	0	8
Carriages with Two Wheels	each	0	6
Cattle, Cows, Calves	each	1	0
Horses, Asses, and Mules	each	1	0
Pigs	each	0	0½
Sheep	each	0	0½
Coach or Cart Wheels	per Pair	0	3
Coal	per Ton	0	5
Copper, Lead, Zinc	per Cwt.	0	3
Cordage	per Cwt.	0	3
Dogs (Sporting only)	each	0	2
Fish, salted or dry	per Barrel Bulk	0	3
Flour	per Sack	0	2
Groceries	per Barrel Bulk	0	3
Guano and artificial Manures	per Ton	1	0
Hardware	per Barrel Bulk	0	3
Hay	per Ton	1	0
Hemp and Flax	per Cwt.	0	3
Herrings, fresh	per Cran	0	1
Ditto, cured	per Barrel	0	3
Hides	per Cwt.	0	1½

Iron,

		s.	d.
Iron, Pig or old	per Cwt.	0	1
Ditto, Bar, Bolt, or Rod	per Cwt.	0	2
Lime	per Boll	0	0½
Meal	per Bag of 280 lbs.	0	3
Oil	per Tun	1	0
Oilcake	per Ton	1	0
Potatoes	per Ton	0	6
Ropes and Rags (old)	per Cwt.	0	2
Salt	per Ton	0	10
Slates	per 1,000	0	10
Spirits	per Hogshead of 56 Gallons	0	8
Staves	per 1,000	0	4
Stones, paving or dressed	per Ton	0	4
Ditto, others	per Ton	0	3
Stucco	per Barrel	0	2
Sugar, &c.	per Cwt.	0	4
Tar	per Barrel	0	2
Tiles or Pipes for draining	per 1,000	0	8
Ditto, roofing	per 1,000	0	9
Timber, unwrought, of all Kinds	per Load of 50 Cubic Feet	0	10
Wheat, Barley, Bear, Peas, Beans, Oats, and all other Descriptions of Grain; Grass and Turnip Seeds	per Quarter	0	2
Wine in Cask	per Hogshead	0	8
Wool	per Cwt.	0	2

All other Articles not enumerated to pay at landing or shipping:

If by Measurement	per Barrel Bulk	0	3
If by Weight	per Ton	1	4

Articles which can be measured to pay by Barrel Bulk, all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken, and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk, but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1. *Sheds.*

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Hundredweight, which shall remain in any Shed or on any Pier in the Harbours for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny per Ton for each Day during which such Goods shall remain after the First Forty-eight Hours.

2. *Cranes.*

2. *Cranes.*

						s.	d.
All Goods or Packages not exceeding One Ton						0	3
Exceeding One Ton and not exceeding Two Tons						0	4
„	Two Tons	„	„	Three Tons		0	6
„	Three Tons	„	„	Four Tons		0	8
„	Four Tons	„	„	Five Tons		0	10
„	Five Tons	„	„	Six Tons		1	0
„	Six Tons	„	„	Seven Tons		1	2
„	Seven Tons	„	„	Eight Tons		1	4
„	Eight Tons	„	„	Nine Tons		1	8
„	Nine Tons	„	„	Ten Tons		2	0
„	Ten Tons					3	6

3. *Weighing Machines.*

For Goods weighed, One Penny for each Ton or Part of a Ton.

LONDON:
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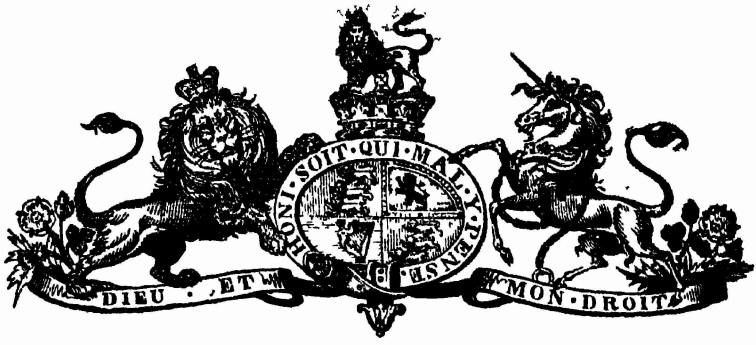
Printers to the Queen's most Excellent Majesty. 1862.



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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C·A P. CVI.

An Act to amend the Law relating to the Appointment of County Surveyors in *Ireland*.

[7th *August* 1862.]

WHEREAS it is expedient to amend the Law relating to the Appointment of County Surveyors in *Ireland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. So much of Section Thirty-nine of the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, and so much of Section Seven of the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and six, as respectively provide that the Lord Lieutenant shall appoint a Board of Three Civil or Military Engineers to examine and certify the Qualifications of all Persons desirous to act as Surveyors under the Provisions of the said first-recited Act, or as District Surveyors for the County of *Dublin* under the Provisions of the said second-recited Act, shall be and the same is hereby repealed.

Part of Sect. 39. of 6 & 7 W. 4. c. 116. and of Sect. 7. of 7 & 8 Vict. c. 106. repealed.

2. The Qualifications of all Persons desirous to act as Surveyors under the Provisions of the said first-recited Act, or as District Surveyors

Persons desirous to act as Surveyors

under 6 & 7 W. 4. c. 116., or as District Surveyors under 7 & 8 Vict. c. 106. to be examined by the Civil Service Commissioners.

Surveyors for the County of *Dublin*, under the Provisions of the said second-recited Act, shall be examined into and certified by the Civil Service Commissioners for the Time being appointed by Her Majesty in Council; and whenever a Vacancy shall occur in any of such Offices an Examination of all Persons desirous to fill the same shall be held at such Time in *Dublin* as the said Commissioners shall appoint, of which Examination due Notice shall be given, and One of the Persons who shall be certified by the said Commissioners shall be appointed to the vacant Office of Surveyor by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, subject to the Approval of the Grand Jury of such County, or to the vacant Office of District Surveyor for the County of *Dublin* by the Grand Jury of the said County, according as such Vacancies shall occur.

Persons certified under Acts 7 & 8 Vict. c. 106. and 6. & 7 W. 4. c. 116. eligible for County or District Surveyors.

3. The Persons who were duly certified by the Board of Examiners under the Act of the Seventh and Eighth Years of *Victoria*, Chapter One hundred and six, in the Year One thousand eight hundred and fifty-six, and who were further certified by the Board of Examiners to the Lord Lieutenant as duly qualified under the Act of the Sixth and Seventh Years of *William* the Fourth, Chapter One hundred and sixteen, shall continue to be deemed and taken as eligible for the Appointment of County Surveyor or District Surveyor, as the Case may be, without further Examination, and may be lawfully appointed to such Offices, anything in this Act to the contrary notwithstanding.

Commencement of Act.

4. This Act shall commence and take effect on and after the First Day of *October* One thousand eight hundred and sixty-two.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. CVII.

An Act to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto. [7th *August* 1862.]

WHEREAS it is expedient to amend an Act passed in the Session of Parliament holden in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*, and also to give greater Facilities for summoning Persons to serve on any Jury: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 6 G. 4. c. 50.

1. This Act may be cited as "The Juries Act, 1862," and shall be construed with and as Part of the said recited Act, herein-after termed the Principal Act. Short Title of Act, &c.

2. All registered Pharmaceutical Chemists and Managing Clerks to Attornies, Solicitors, and Proctors actually practising, all subordinate Officers in Gaols and Houses of Correction, shall be and are hereby absolutely freed and exempted from being returned and from serving upon Exemptions from serving on Juries.

upon any Juries or Inquests whatsoever, and shall not be inserted in the Lists to be prepared by virtue of the Principal Act or of this Act.

Provisions as to High Constables repealed.

3. All the Provisions of the Principal Act relating to the Functions of High Constables shall be and are hereby repealed, except as to any Liabilities incurred before such Repeal, and the Duties of High Constables as set forth in the Principal Act shall cease and determine.

Clerk of the Peace to issue Precepts to Parish Officers by Post.

4. The Clerk of the Peace in every County, Riding, and Division in *England* and *Wales* shall on or before the Twentieth Day of *July* in every Year issue his Precept (in the Form set forth in the Schedule to this Act, or as near thereto as may be,) to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers of the Poor of the several Townships, within the County, Riding, or Division for which he acts, requiring them to make out before the First Day of *September* then next ensuing a true List of all Men residing within their respective Parishes and Townships qualified and liable to serve on Juries according to the Principal Act, and also to perform and comply with all other the Requisitions in the said Precepts contained, and shall forward the same, together with a competent Number of printed Forms of Returns, for the Use of the respective Persons by whom such Returns are to be made, by Post, in a registered Letter having the Words "Jury Precept" legibly written or printed on the Outside thereof, and addressed to the Churchwardens and Overseers as aforesaid; and every Precept delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same was so delivered or tendered, and if delivered or tendered to any One Churchwarden or Overseer of a Parish or Township shall be deemed to have been served on the whole of the Churchwardens and Overseers of such Parish or Township.

Precepts, &c. to be printed at the Expense of the County, &c.

5. The Provisions of the Principal Act as to the Expense of printing the Warrants, Precepts, and Returns therein mentioned shall apply to the printing of the Precepts and Returns required by this Act; and the Precepts and Jury Lists required to be posted and registered by this Act shall be posted and registered at the Expense of the County, Riding, or Division.

Duties and Liabilities of Parish Officers to continue.

6. After the Receipt of such Precept from the Clerk of the Peace, the Duties of the Churchwardens and Overseers with reference to the Jury Lists, and the Penalties to which they are liable for making default therein, shall be in all respects the same as if the Words

Words "Clerk of the Peace" had been substituted for the Words "High Constable" in the Eighth Section of the Principal Act.

7. No Notice shall be sent to the High Constable of the holding of a Special Petty Sessions for the Production of the Jury Lists, as required by the Tenth Section of the Principal Act.

As to Notices of Special Petty Sessions.

8. It shall be lawful for the Justices of the Peace then present to adjourn any Special Petty Sessions held under the Provisions of the Tenth Section of the Principal Act to any Day within Seven Days thereafter, for the Production of the Jury List for any Parish or Township which, through the Default of any Churchwarden or Overseer, has been omitted to be produced at such Special Petty Sessions, and Notice shall be sent by the Clerk to such Justices to such Churchwardens or Overseers requiring them to produce the said List at such Adjournment.

Justices to adjourn Petty Sessions for the Production of List.

9. It shall be the Duty of the Clerk to the Justices of the Peace in every Petty Sessional Division in *England* and *Wales* to take charge of the Jury Lists of each Parish and Township within such Division, when and as soon as they shall have been allowed and signed by the said Justices, as by the Principal Act provided, and to forward the same by the next available Post in a registered Letter or Letters, with the Words "Jury List" legibly written or printed on the Outside thereof, addressed to the Clerk of the Peace for the County, Riding, or Division, at his Office, together with a Schedule of the Parishes and Townships for which Jury Lists have been then allowed, which Schedule shall be signed by One of the said Justices, and the Clerk to the Justices shall be entitled to the Fee of Two Shillings and Sixpence, to be paid out of the County Rate, for the Discharge of the Duties hereby imposed upon him.

Justices Clerk to send Jury Lists to Clerk of the Peace.

10. The Duties of the Clerk of the Peace with reference to the Jury Lists so forwarded to him by the Clerks to the Justices, and the Penalties to which he is liable for making default therein, shall be in all respects the same as if this Act had not passed, and the said Lists had been returned by the High Constables to the Court of Quarter Sessions under the Provisions of the Principal Act.

Clerk of the Peace to deal with the Jury Lists as before.

11. Any Person liable to serve on any Jury may be summoned as heretofore, or in the Manner following; that is to say, the Sheriff or other proper Officer may make out a Summons and affix the Seal of his Office thereto, and such Summons, having the Words "Jury Summons" legibly written or printed on the same Side as the Address, may be sent open by the Post, prepaid, and directed to the Person

All Jurors may be summoned by Post.

Person so required to serve as Juror at his Place of Abode as described in "The Jurors Book," which said Summons, together with a Duplicate endorsed with the Name and Address of the Juror to whom the original Summons is directed, shall be taken to the Postmaster of any Post Office where Money Orders are received or paid, within such Hours as shall have been previously agreed upon at such Post Office, and under such Regulations with respect to the Registration of such Summons and the Fee to be paid for such Registration (which Fee shall in no Case exceed Twopence over and above the ordinary Rate of Postage) as shall from Time to Time be made by the Postmaster General in that Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the Address of the said Summons with that of the Duplicate, and on being satisfied that they are alike shall forward the Summons to its Address by the Post, and shall return the Duplicate to the Party bringing the same, duly stamped with the Stamp of the said Post Office; and the Production by the Party who posted such Summons of such stamped Duplicate shall be Evidence of the Summons having been delivered at the Dwelling House of the Person whose Name and Address is thereon endorsed, at the Place mentioned in such Endorsement, on the Day on which such Summons would, in the ordinary Course of Post, have been delivered, provided it shall appear that the same was not returned by the Post Office as undelivered; and any Summons sent by the Post as before mentioned, and not so returned as undelivered, shall be considered in all respects as duly served; and in the event of any Person to whom any Summons shall be addressed being ascertained to be dead, or to have permanently left the Place to which such Summons is addressed, the Postmaster or Letter Carrier of the Place in which the Summons shall then be shall endorse thereon the Reason of the Non-delivery thereof, and forward the same in the usual Course of Post to the Returned Letter Office in *London*, in order that it may be returned to the Sender: Provided always, that when any Summons shall be served by Post under the Provisions of this Act, Two additional Days shall be allowed for the Transmission of such Summons by Post, over and above the Number of Days required by Law for the Service of a Summons, before the Day on which the Juror is required to attend.

Fines may be remitted upon Cause shown.

12. Whenever any Fine shall be imposed upon any Person for not attending as a Juror in obedience to a Summons in that Behalf, it shall not be lawful to estreat the said Fine until after the Expiration of Fourteen Days, and in the meantime the proper Officer of the Court by which such Fine was imposed shall forthwith, by Letter, inform the said Person of the Imposition of such Fine, and require him, within Six Days after the Date of such Letter, to forward him an Affidavit

Affidavit of the Cause, if any, of his Non-attendance; and such Officer shall, upon the Receipt of any such Affidavit, submit the same to the said Court, or the Judge or Chairman who presided at the said Court at the Time when such Fine was imposed, and such Court, Judge, or Chairman shall have Power to remit such Fine.

Sheriffs to be allowed Costs of Summonses.

13. The Costs incurred by any Sheriff in summoning Jurors by Post, under the Provisions of this Act, so far as the same shall not exceed the Sum allowed to such Sheriff, or his Predecessor in Office, on that Account, in any One Year within the Three Years immediately preceding the passing of this Act, may be included in his ordinary Bill of Cravings, and shall be allowed by the Commissioners of Her Majesty's Treasury.

Extent of Act.

Jury Lists to be made, &c. in the City of London as before.

14. This Act shall not extend to *Scotland* or *Ireland*; and nothing in this Act contained shall alter or affect the Mode of Procedure heretofore pursued in the making out of Jury Lists or the summoning of Jurors in the City of *London*.

Commencement of Act.

15. This Act shall come into operation on the Tenth Day of *August* One thousand eight hundred and sixty-two.

SCHEDULE.

Precept for returning Lists of Jurors.

County of } to wit. Hundred of } To the Churchwardens and Overseers of the Poor of the Parish [*or*, To the Overseers of the Poor of the Township] of

YOU are hereby required to make out, before the First Day of September next, a true List in Writing in the Form hereunto annexed, containing the Names of all Men, being natural-born Subjects of the Queen, between the Ages of Twenty-one and Sixty, residing within your Parish [*or* Township] qualified to serve upon Juries; that is to say, of every such Man who has in his own Name, or in trust for him, a clear Income of Ten Pounds by the Year in Lands or Tenements, whether of Freehold, Copyhold, or Customary Tenure, or of Ancient Demesne, situate in the said County, or in Rents issuing out of any such Lands or Tenements, or in such Lands, Tenements, and Rents taken together, in Fee Simple or Fee Tail, or for his own Life, or for the Life of any other Person, and also of every such Man who has a clear Income of Twenty Pounds by the Year in Lands or Tenements situate in the said County, held by Lease for the absolute Term of Twenty-one Years, or some longer Term, or for any Term of Years determinable on any Life or Lives, and also of every such Man who is a Householder in your Parish [*or* Township], and is rated or assessed to the Poor Rate or to the Inhabited House Duty on a Value of not less than Twenty Pounds [if in Middlesex Thirty Pounds], and you are required to make out the said List in alphabetical Order, and to write the Christian and Surname of every Man at full Length, and the Place of his Abode, his Title, Quality, Calling, or Business, and the Nature of his Qualification, in the proper Columns of the Forms hereunto annexed, according to the Specimens given in such Columns for your Guidance.

And if you have not a sufficient Number of Forms you must apply to me for more; and in order to assist you in making out the List you are to refer to the Poor Rate, and you may, if you think proper, apply to any Collector or Assessor of Taxes, or any other Officer who has the Custody of any House Tax, Land Tax, or other Tax Assessment for your Parish [*or* Township], and take from thence the Names of Men so qualified: And in making such List you are to omit the Names of all Peers, all Judges, all Clergymen, all Roman Catholic

Catholic Priests who shall have duly taken and subscribed the Oaths and Declaration required by Law; all Ministers of any Congregation of Protestant Dissenters whose Place of Meeting is duly registered, provided they follow no secular Occupation except that of a Schoolmaster, and produce to you a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law; all Serjeants and Barristers at Law, all Members of the Society of Doctors of Law, and all Advocates of the Civil Law, if actually practising, and all Attornies, Solicitors, and Proctors, if actually practising, and having taken out their annual Certificates, and their Managing Clerks; all Officers of the Courts of Law and Equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the Duties of their respective Offices; all Coroners, all Gaolers and Keepers of Houses of Correction, and all subordinate Officers of the same; all Members and Licentiates of the Royal College of Physicians in London, all Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered Pharmaceutical Chemists, if actually practising as Physicians, Surgeons, or Apothecaries, or Pharmaceutical Chemists respectively; all Officers of the Navy and Army on Full Pay; the Master, Wardens, and Brethren of the Corporation of Trinity House of Deptford Strond, and their Clerks, Officers, and Servants; all Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations, and all Pilots licensed under any Act of Parliament or Charter for the Regulation of Pilots; all the Household Servants of Her Majesty; all Commissioners of Property and Income Tax; all Officers of the Post Office; all Officers of Customs and Excise; all Sheriff's Officers, High Constables, and Parish Clerks; all Officers of the Rural and Metropolitan Police; and also all Persons exempt by virtue of any Act of Parliament, Prescription, Charter, Grant, or Writ.

And when you have made out such List you are authorized to order a sufficient Number of Copies thereof to be printed, the Expense of which Printing will be allowed you by the Parish [*or* Township], and you are required, on the Three First Sundays in September next, to fix a Copy of such List, signed by you, on the principal Door of every Church, Chapel, or other public Place of Religious Worship within your Parish [*or* Township], and also to subjoin to every such Copy a Notice to the following Effect, inserting the Time and Place, of which you shall be previously informed: "Take "notice, that all Objections to the foregoing List will be heard by "the Justices in Petty Sessions on the Day of September "next,

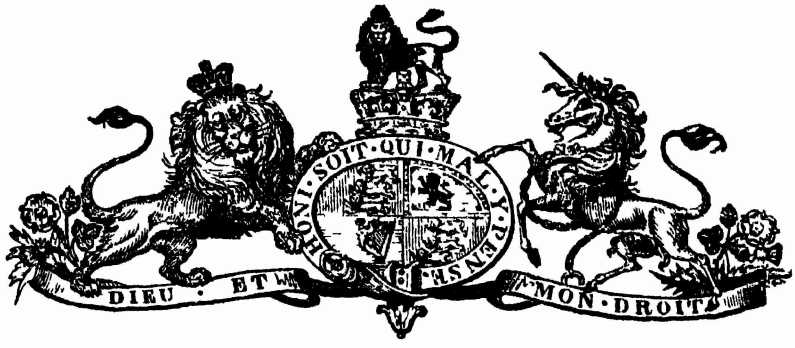
" next, at the Hour of at ;" and you must allow any Inhabitant of your Parish [*or* Township] to inspect the original List, or a true Copy of it, during the Three First Weeks of September next, gratis; and you are also further required to produce the said List at such Petty Sessions, and there to answer on Oath such Questions as shall be put to you by Her Majesty's Justices of the Peace there present touching the said List; and these several Matters you are in nowise to omit, upon the Peril that may ensue.

Given under my Hand at in the said County the Day of in the Year

Clerk of the Peace.

The Form of Precept in Wales *is to be altered according to the Difference of Qualification.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. CVIII.

An Act to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others. [7th *August* 1862.]

WHEREAS Trustees and others, in the intended Exercise of Trusts or Powers authorizing them to dispose of Land by Sale, Exchange, Partition, or Enfranchisement, have disposed of Land subject to such Trusts or Powers, with an Exception or Reservation of Minerals, and either with or without Rights and Powers for or incidental to the working, getting, and carrying away of such Minerals, or otherwise relating thereto, or have so disposed of Minerals with or without such Rights and Powers separately from the Residue of the Land, such Mode of Disposition not being expressly authorized nor forbidden by the Instrument creating the Trust or Power: And whereas it is expedient to confirm such Dispositions as aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. No Sale, Exchange, Partition, or Enfranchisement at any Time heretofore of Land by any Trustee or other Person, expressed or intended

Powers of Sale, &c. not to be invalid on

the Ground of Want of express Mention of Exception of Reservation of Minerals, &c.

intended to be made in exercise of any Trust or Power authorizing the Sale, Exchange, Partition, or Enfranchisement of Land, and not forbidding the Reservation of Minerals, and which Sale, Exchange, Partition, or Enfranchisement shall have been made with an Exception or Reservation of Minerals, and with or without Rights or Powers for or incidental to the working, getting, and carrying away of such Minerals, or otherwise relating thereto, shall be invalid on the Ground only that the Trust or Power did not expressly authorize such Exception or Reservation, but such Sale, Exchange, Partition, or Enfranchisement shall be deemed to have taken effect in the same Manner as if the Exception or Reservation had been authorized by the Trust or Power; and no Sale, Exchange, or Partition heretofore made as aforesaid of any Minerals separately from the Residue of the Land subject to the Trust or Power intended to have been exercised, and either with or without such Rights or Powers as aforesaid, shall be invalid on the Ground only that the Trust or Power did not expressly authorize such Sale, Exchange, or Partition, but such Sale, Exchange, or Partition shall be deemed to have taken effect in the same Manner as if such Minerals, Rights, and Powers (if any) had been expressly authorized to be so dealt with separately from the Residue of such Land; but this Enactment shall not be deemed to confirm any Sale, Exchange, Partition, or Enfranchisement already declared by a Court of competent Jurisdiction to be invalid, nor to confirm or affect any Sale, Exchange, Partition, or Enfranchisement as to the Validity of which any Suit or other Proceeding is now pending.

Not to confirm Sales, &c. declared invalid, or pending.

Trustees may dispose of Land or Minerals separately, without the Residue, &c.

2. And whereas it is expedient that Trusts and Powers to dispose of Land by way of Sale, Exchange, Partition, or Enfranchisement should be extended in the Manner herein-after appearing:

Every Trustee and other Person now or hereafter to become authorized to dispose of Land by way of Sale, Exchange, Partition, or Enfranchisement may, unless forbidden by the Instrument creating the Trust or Power, so dispose of such Land with an Exception or Reservation of any Minerals, and with or without Rights and Powers of or incidental to the working, getting, or carrying away of such Minerals, or may (unless forbidden as aforesaid) dispose of by way of Sale, Exchange, or Partition the Minerals with or without such Rights or Powers separately from the Residue of the Land, and in either Case without Prejudice to any future Exercise of the Authority with respect to the excepted Minerals, or (as the Case may be) the undisposed-of Land; but this Enactment shall not enable any such Disposition as aforesaid without the previous Sanction of the Court of Chancery, to be obtained on Petition in a summary Way of the Trustee or other Person authorized as aforesaid, which Sanction once obtained shall extend to the enabling from Time to Time of any Disposition

Sanction of Court of Chancery requisite.

Disposition within this Enactment of any Part or Parts of the Land comprised in the Order to be made on such Petition, without the Necessity of any further or other Application to the Court.

3. This Act shall not extend to *Ireland* or *Scotland.* Extent of Act.

LONDON:
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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. CIX.

An Act to continue the Corrupt Practices Prevention Act (1854). [7th *August* 1862.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and "amend the Laws relating to Bribery, Treating, and undue Influence "at Elections of Members of Parliament;" and such Act was amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven: And whereas the said first-mentioned Act, as so amended, has, by an Act of the Session holden in the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter One hundred and twenty-two, been continued until the First Day of *September* One thousand eight hundred and sixty-two, and it is expedient that it should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 102.

21 & 22 Vict. c. 87.

24 & 25 Vict. c. 122.

1. The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue

Duration of Act.

continue in force until the First Day of *September* One thousand eight hundred and sixty-three, and to the End of the then next Session in Parliament.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. CX.

An Act to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein.

[7th *August* 1862.]

WHEREAS by reason of the closing of Mills and Factories in certain Parts of the Country great Numbers of the labouring and manufacturing Classes have been thrown out of Employment, and having become chargeable to the Unions and Parishes wherein they reside the Ratepayers within the same are likely to be subjected to very heavy and extraordinary Burdens, and it is expedient that Means should be afforded whereby temporary Relief may be rendered to such Ratepayers: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Guardians may charge Cost of Relief in Parishes in excess of

1. If the Guardians of any Union situate wholly or in part within any of the Counties of *Lancaster*, *Chester*, or *Derby*, shall find that the Expenditure of any Parish comprised within such Union in and about the Relief of the Poor for the Quarter ending at

3s. in the Pound on the other Parishes in Union.

Michaelmas or *Christmas* next, shall have exceeded the Rate of Three Shillings in the Pound *per Annum* on the annual rateable Value of the Property of such Parish, the Excess shall be charged to the other Parishes in the Union in proportion to the Amount of the annual rateable Value of the Property comprised in such Parishes: Provided that if the Expenditure of any Parish for the Quarter ending at any of the Periods aforesaid, including its Proportion of any Excess charged upon it under this Act, shall exceed the said Rate of Three Shillings in the Pound *per Annum* on its annual rateable Value, all Expenditure of such Parish in and about the Relief of the Poor for that Quarter in excess of such Limit shall be charged in like Manner upon the remaining Parishes the Expenditure of which, including their Proportion of any Excess charged upon them under this Act, shall not have exceeded the Limit aforesaid, and so on *toties quoties* until the Sum charged upon each Parish shall amount to the Limit aforesaid, and then all Expenditure over and above that Limit shall be charged to the Common Fund of the Union.

Guardians may make extraordinary Calls.

2. The Guardians may from Time to Time make any Orders for Contributions from the several Parishes comprised in such Union for the Purposes of this Act, in addition to their ordinary Orders, and shall have the same Powers for enforcing such Orders as in the Case of the usual and ordinary Contributions.

If aggregate Expenditure of whole Union at Michaelmas or Christmas next shall exceed 3s. in the Pound on the rateable Value of the Property of the Union, Guardians may apply to Poor Law Board for Authority to borrow.

3. If the Guardians of any such Union shall find that the aggregate Expenditure in and about the Relief of the Poor of the whole Union for the Quarter ending at *Michaelmas* or *Christmas* next shall have exceeded the Rate of Three Shillings in the Pound *per Annum* on the annual rateable Value of the Property comprised within such Union, such Guardians may, by Resolution passed at a Meeting held after special Notice in Writing sent to every elected and *ex-officio* Guardian of the Union, apply to the Poor Law Board for Authority to borrow a Sum of Money sufficient to meet such Excess; and the Poor Law Board may, if they think fit, issue their Order accordingly; and thereupon the said Guardians may borrow such Sum, and shall charge the Common Fund of the Union with the Repayment of the same, by equal annual Instalments not exceeding Seven, and with the Payment of the Interest from Time to Time to accrue thereon.

Guardians of distressed Unions where the Expenditure shall have exceeded

4. If the Guardians of any such Union shall find that the aggregate Expenditure in and about the Relief of the Poor of the whole Union for the Quarter ending at *Michaelmas* or *Christmas* next shall have exceeded the Rate of Five Shillings in the Pound *per Annum* on the annual rateable Value of the Property comprised within such

such Union, such Guardians may apply to the Poor Law Board, and thereupon the Poor Law Board may, if they think proper, upon being satisfied that there has been such Excess of Expenditure as aforesaid, make a general Order upon the several Unions and Parishes under a separate Board of Guardians or Select Vestry in the County wherein such Union shall be situated to contribute a Sum of Money to meet the Excess, in proportion to the annual rateable Value of the Property comprised within such Unions and Parishes respectively; and the several Sums so apportioned shall be paid by the Guardians and Select Vestries of the said Unions and Parishes respectively out of the respective Common Funds of the said Unions, and from the Funds of the Guardians and Vestries of the said Parishes respectively, to the Treasurer of the Union on whose Behalf the said Order shall have been issued.

5s. in the Pound may apply to the Poor Law Board, who may apportion such Excess of Expenditure over the Unions in the County.

5. The Poor Law Board shall exclude from the Contribution any Union or such Parish as aforesaid where the Expenditure for the corresponding Quarter shall have exceeded the Rate of Three Shillings in the Pound *per Annum* on the annual rateable Value of the Property comprised in the said Union or Parish.

Power to the Poor Law Board to exclude the poorer Unions.

6. Where the Union applying for Aid shall extend into Two or more Counties, the Contribution in aid shall come from that County in which the greater Part of the Union shall be situated; and where the Union required to contribute shall be situated in Two or more Counties, it shall only contribute in that County in which the greater Part of it shall be situated.

Provision for the Cases of Unions in Two Counties.

7. After the making and issuing of any General Order for Contribution as aforesaid the Guardians of any Union or Parish or any Select Vestry upon whom the Order is made, and who have obeyed such Order, may elect One of their own Body to represent them at the Board of Guardians of the Union on whose Behalf such General Order has been made, and every Person so elected shall be entitled to act as a Guardian of such last-mentioned Union during the then current Quarter, but no such Person shall be entitled to vote in the Election of any Officer for that Union.

Where Parish contributes, the Guardians may elect a Member to represent them at Board of Guardians of Union aided.

8. No Order of the Poor Law Board shall be issued under the Authority of this Act after the First Day of *March* next, nor be liable to be removed into the Court of Queen's Bench on Certiorari or otherwise; nor shall any Order of the Guardians or Rate made to carry out the Provisions of this Act be questioned in any Court of Law on Certiorari or otherwise.

No Order of the Board to be issued after the First of March.

9. For

How annual rateable Value of Property to be estimated.

9. For the Purposes of this Act the annual rateable Value of the Property within the several Parishes and Unions herein-before referred to shall be estimated in the Manner in which the same is required to be taken in computing the Amount of Contributions to the Common Fund by the Law in force for the Time being.

Interpretation Clause.

10. The several Words herein contained shall be construed in like Manner as in the Act of the Fourth and Fifth *William* the Fourth, Chapter Seventy-six, and in the subsequent Acts extending and explaining the same, and all the Provisions contained therein now in force shall be applicable to this Act.

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ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. CXI.

An Act to amend the Law relating to Lunatics.

[7th *August* 1862.]

WHEREAS it is expedient to amend the Law relating to Lunatics, other than those found Lunatics by Inquisition, or Lunatics convicted of Crime, or acquitted on the Ground of Insanity: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Preliminary.

1. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of Terms.

"Lunacy Act, Chapter One hundred," shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred, and intituled *An Act for the Regulation of the Care and Treatment of Lunatics:*

Lunacy Act, Chapter Ninety-six," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years

 of

of the Reign of Her present Majesty, Chapter Ninety-six, intituled *An Act to amend an Act passed in the Ninth Year of Her Majesty, for the Regulation of the Care and Treatment of Lunatics:*

"Lunacy Act, Chapter Ninety-seven," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, intituled *An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in* England:

"The Lunacy Acts" shall include the Three Acts above mentioned and this Act:

"Asylum" shall have the same Meaning as it has in the Lunacy Act, Chapter Ninety-seven:

"Registered Hospital" shall mean any Hospital registered for the Reception of Lunatics.

Construction of Act.

2. This Act shall be construed as One Act with the Lunacy Acts, Chapters One hundred, Ninety-six, and Ninety-seven, and Words defined by the said Acts or any of them shall have the same Meaning in this Act.

Short Title.

3. This Act may be cited for all Purposes as the "Lunacy Acts Amendment Act, 1862."

Establishment of County Asylums.

Plans, &c. of Visitors, when not approved by the Quarter Sessions, to be submitted to Secretary of State.

4. Whereas by Section Thirty-one of the Lunacy Act, Chapter Ninety-seven, it is provided, "that the said Visitors shall from "Time to Time make their Report to the General or Quarter "Sessions of the County or Borough, Counties or Boroughs, for "which they (or such of them as have not been elected by Sub-"scribers, as therein mentioned,) have been elected, of the several "Plans, Estimates, and Contracts which have been agreed upon, and "of the Sum or Sums of Money necessary to be raised and levied "for defraying the Purchase Monies and Expenses thereof on the "County or Borough, or, in the Case of such Union as therein "mentioned, on each or every of the Counties or Boroughs; which "Plans, Estimates, and Contracts shall be subject to the Approba-"tion of the Court or Courts of General or Quarter Sessions of such "County or Counties, and of the Justices of such Borough or "Boroughs, before the same are completed or carried into execution" (save in the Case therein mentioned):

Where a Plan, Estimate, or Contract agreed upon by any Committee of Visitors on behalf of a Union of Counties, or of a Union of

of Counties and Boroughs, is disapproved of by One or more but not all of the Courts of General or Quarter Sessions, or other Bodies of Justices whose Approbation is required, in pursuance of the said Enactment, each Court of General or Quarter Sessions or Body of Justices disapproving of the same shall, within Four Months after such Plan, Estimate, or Contract is reported to them, or where the same has been reported to them before the passing of this Act, then within One Month after the holding of the First Court of General or Quarter Sessions of the County or the First Meeting of the Justices of the Borough after the passing of this Act, as the Case may be, set forth their Objections, with any Observations they may think fit in relation thereto, in a Report in Writing, and forthwith transmit the same to One of Her Majesty's Principal Secretaries of State, and the Secretary of State shall cause such Inquiries to be made in relation to the Matter as he may deem proper, and shall by Writing under his Hand direct the Plan, Estimate, or Contract in question, with or without any Alteration therein, or such other Plan, Estimate, or Contract for the like Purpose as he may think fit, to be proceeded with and carried into execution.

The Decision of the Secretary of State, given in pursuance of this Section, shall be final, and shall be acted upon without further Report or Approval.

Estimates to accompany Plans.

5. Together with every Plan for building, or providing or enlarging or improving, any Asylum for Pauper Lunatics, which is to be submitted to the Commissioners in Lunacy, under Section Forty-five of the said Lunacy Act, Chapter Ninety-seven, an Estimate of the Cost and Expense of carrying such Plan into execution shall be also submitted to the said Commissioners.

Excess of Payment may be paid to a Building and Repair Fund.

6. Where the Committee of Visitors enter into any Agreement for the Reception into the County Asylum of Pauper Lunatics belonging to a County or Borough which has not contributed to the erecting or providing such Asylum, and think fit under the Lunacy Act, Chapter Ninety-seven, Section Fifty-four, to fix a greater weekly Sum than is charged by them in respect of Lunatics sent from or settled in some Place, Parish, or Borough which has contributed to the building or providing such Asylum, they may, if they think fit, pay over the Excess created by the Payment of such greater weekly Sum to a Building and Repair Fund, to be applied by them to the altering, repairing, or improving such Asylum, and shall annually submit to the General or Quarter Sessions a detailed Statement of the Manner in which such Fund has been expended.

7. Where

Provision as to Contract for Reception of Lunatics.

7. Where any Contract has been made by a Committee of Visitors of any County or Borough under the Lunacy Act, Chapter Ninety-seven, Section Forty-two, for the Reception into any Asylum, Hospital, or Licensed House of the whole or a Portion of the Pauper Lunatics of such County or Borough, it shall be lawful for the Justices of such County or Borough, so long as such Contract is subsisting, to defray out of the County or Borough Rate so much of the weekly Charge agreed upon for each Pauper Lunatic received therein as may, in the Opinion of such Committee of Visitors, represent the Sum due for the Use of such Asylum, Hospital, or Licensed House, not exceeding, however, One Fourth of the whole of such weekly Charge, in exoneration to that Extent of the Union to which the Maintenance of any such Pauper Lunatic may be chargeable.

Provision for Care of chronic Lunatics.

8. It shall be lawful for the Visitors of any Asylum and the Guardians of any Parish or Union within the District for which the Asylum has been provided, if they shall see fit, to make Arrangements, subject to the Approval of the Commissioners and the President of the Poor Law Board, for the Reception and Care of a limited Number of chronic Lunatics in the Workhouse of the Parish or Union, to be selected by the Superintendent of the Asylum, and certified by him to be fit and proper so to be removed.

Lunatics in Asylum.

9. The Committee of Visitors of any Asylum may provide Accommodation for the Burial of Pauper Lunatics dying in the Asylum by acquiring a new Burial Ground, or by enlarging any existing Burial Ground; they may purchase for the Purposes aforesaid any Land, and may grant any Land when purchased, or any Land already belonging to them, to any Person or Body of Persons, to be held on trust for a new Burial Ground or as Part of an existing Burial Ground, or they may themselves hold such Land on trust as a new Burial Ground or as Part of an existing Burial Ground; they may also contribute any Sums of Money to any Person or Body of Persons on condition of such Person or Body of Persons agreeing to provide Accommodation for the Burial of such Paupers as aforesaid in any Burial Ground; they may also take Steps for the Consecration of any new Burial Ground or enlarged Burial Ground, or any Part thereof, and in the Case of a new Burial Ground they may provide for the Appointment of a Chaplain therein; they may enter into any Agreements necessary for carrying into effect the Powers conferred by this Section, but the Exercise of such Powers shall be subject to the Restrictions following:

Firstly, That not more than Two Statute Acres shall in the Case of any One Asylum be purchased or granted as a new Burial Ground, or for an Enlargement of an existing Burial Ground:

Secondly,

Secondly, That the Sanction of the Court of General or Quarter Sessions and of One of Her Majesty's Principal Secretaries of State shall be given to any Plan that may be proposed by any Visitors for carrying into effect this Section.

All Expenses incurred by any Visitors in providing Accommodation for the Burial of Pauper Lunatics, in pursuance of this Act, shall be deemed to be Monies, Costs, and Expenses payable for the Purposes of the Lunacy Act, Chapter Ninety-seven, and may be defrayed accordingly.

10. All the Provisions of "The Lands Clauses Act, 1845," except the Provisions of that Act "with respect to the Purchase "and taking of any Lands otherwise than by Agreement," "with "respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Under-"taking, under the Provisions of the Lands Clauses Consolidation "Act, 1845, or the Special Act, or any Act incorporated therewith, "but which shall not be required for the Purposes thereof," "and "with respect to the Provision to be made for affording Access to "the Special Act by all Parties interested," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean any such Committee of Visitors as aforesaid. 8 & 9 Vict. c. 18. incorporated.

11. It shall be lawful for any Committee of Visitors, with the Sanction of the Court of General or Quarter Sessions, to hire or take on Lease, from Year to Year or for any Term of Years, at such Rent, and upon such Terms, and under such Covenants as they think fit, any Land or Buildings, either for the Employment or Occupation of the Patients in the Asylum, or for the temporary Accommodation of any Pauper Lunatics for whom the Accommodation in the Asylum may be inadequate. Taking on Lease additional Lands for Use of Asylum.

The Restrictions in Section Thirty-three of the Lunacy Act, Chapter Ninety-seven, as to the Term for which the Committee of Visitors are thereby authorized to take a Lease, or to rent Land, shall not apply to Land or Buildings to be hired or taken under this Provision.

The Land and Buildings so to be hired or taken shall, while used for the Purposes of this Section, be deemed Part of the Asylum, and all existing Provisions as to the Asylum or Part of the Asylum shall be applicable thereto accordingly.

12. The Power vested in the Visitors of an Asylum of granting an Annuity by way of Superannuation to any Person that has been an Officer or Servant in such Asylum for not less than Twenty Years, under Section Fifty-seven of the Lunacy Act, Chapter Ninety-seven, may be exercised by them when any such Person has been an Superannuation of Officers in Asylum.

Officer or Servant for not less than Fifteen Years, in the same Manner as if the Time of such Service had been Twenty Years; and in calculating the Amount of Superannuation regard may be had, if the Visitors think fit, to the Value of the Lodgings, Rations, or other Allowances enjoyed by the Person superannuated: Provided, that no Annuity by way of Superannuation granted by the Visitors of any Asylum under the Provisions of this Act, or of the Lunacy Act, Chapter Ninety-seven, shall be chargeable on or payable out of the Rates of any County until such Annuity shall have been confirmed by a Resolution of the Justices of such County in General or Quarter Sessions assembled.

Provision for Superannuation of Matrons.

13. Where the Offices of Superintendent and Matron of any Asylum are held by Man and Wife, and an Order has been made under the Lunacy Act, Chapter Ninety-seven, granting an Annuity by way of Superannuation to the Superintendent, it shall be lawful for the Committee of Visitors of such Asylum, if they think fit to do so, and if the Matron has been an Officer in the Asylum for not less than Twenty Years, to grant to her such Annuity by way of Superannuation as they in their Discretion think proportionate to her Merits and Time of Service, although she may not have become incapable of executing her Office from Sickness, Age, or Infirmity; and every Annuity granted in pursuance of this Section shall be payable out of the Rates lawfully applicable to the building or repairing of such Asylum: Provided, firstly, that the annual Amount by way of Superannuation paid to any Matron under this Section shall not exceed Two Thirds of the Salary payable at the Time of her Retirement; secondly, that no such Superannuation shall be granted unless Notice of the Meeting at which the same is to be granted, and of the Intention to determine thereat the Question of such Superannuation, have been given in such Manner and so long before the Time appointed for such Meeting as is provided in the said Act with respect to Notices of Meetings of Committees of Visitors, nor unless Three Visitors concur in and sign the Order granting the same; thirdly, if any such Matron as aforesaid at any Time thereafter is appointed to any Public Office, or to any Office under the Lunacy Act, in respect of which she receives a Salary, the Payment of the Compensation awarded to her under this Act shall be suspended so long as she receives such Salary, if the Amount thereof is greater than the Amount of Compensation, or, if not, shall be diminished by the Amount of such Salary.

Licensed Houses.

Inspection by Commissioners before

14. Before the Grant by the Justices of a Licence for the Reception of Lunatics to a House which has not been previously licensed for that Purpose, the Notice given by the Applicant, and the Plan

Plan and Statements accompanying the same, or Copies of such Notice, Plan, and Statements respectively, shall be transmitted by the Applicant to the Commissioners, and the Commissioners shall inspect or cause to be inspected the House and Land or Appurtenances proposed to be included in the Licence, and shall ascertain, with reference as well to the Situation as to the Structure, Arrangements, and Condition of the Premises, whether the same are suitable for the Reception of the Patients proposed to be received therein, and the Commissioners shall transmit to the Clerk of the Peace for the County or Borough a Report in reference to such Application; and no Licence shall be granted by the Justices of the County or Borough, in pursuance of such Application, until the Report of the Commissioners with reference thereto has been received by the said Clerk of the Peace, and taken into consideration by the Justices in General or Quarter or Special Sessions assembled.

Licence granted by Justices.

Where a Licence is granted by the Justices of a County or Borough in respect of a House not previously licensed, such Licence shall, as nearly as conveniently may be, be according to the Form in the Schedule marked A. to this Act, instead of in the Form prescribed by the Lunacy Act, Chapter One hundred.

15. Before the Consent of any Visitors is given to any Addition or Alteration being made in or about any Licensed House, or the Appurtenances, the Notice of the proposed Addition or Alteration, and Plan thereof, and accompanying Description given to the Clerk of the Peace, or Copies thereof respectively, shall be transmitted by him to the Commissioners, who shall, after making or causing to be made such Inquiries or Inspection (if any) as they may deem proper, transmit to the said Clerk of the Peace a Report stating their Approval or Disapproval thereof; and the Visitors shall not consent to such Addition or Alteration until they have received and considered such Report.

Notice of Alterations to be given to the Commissioners.

16. Whereas by the Second Section of the Lunacy Act, Chapter Ninety-six, it is enacted, "that no Person having, after the passing "of the Lunacy Act, Chapter One hundred, received for the First "Time a Licence for the Reception of Lunatics, or thereafter "receiving for the First Time such Licence, shall receive a Licence "unless he resides on the Premises licensed, and no Two or more "Persons having, after the passing of the last-mentioned Act, received "for the First Time a joint Licence for the Reception of Lunatics, "or thereafter receiving for the First Time such joint Licence, shall "receive such Licence unless they or One of them should reside on "the Premises licensed:" And whereas it is expedient that in the Licensed

Provision as to non-resident Proprietors.

Licensed Houses to which the said Section does not apply, by reason of the Proprietor or Proprietors thereof having first received a Licence prior to the Date mentioned in the said Section, the following Provision shall be made: Be it enacted,

That in all Cases of Licensed Houses, where the Proprietor or Proprietors thereof have first received their Licence or Licences before the Date of the passing of the Lunacy Act, Chapter One hundred, the Physician, Surgeon, or Apothecary required by Act of Parliament to reside in or visit such House shall be approved, in the Case of a House licensed by the Commissioners, by the Commissioners, and in the Case of a House licensed by Justices, by the Justices; and any Proprietor of a Licensed House to which this Section applies who permits any Physician, Surgeon, or Apothecary who has not been approved by the Commissioners, or by the Justices, as the Case may be, to reside in or visit at such House in such Capacity as aforesaid for a Period exceeding One Calendar Month, shall incur a Penalty not exceeding Five Pounds for every Day beyond such Month during which such Physician, Surgeon, or Apothecary so resides or visits; the above-mentioned Period of One Month shall be reckoned in the Case of a Physician, Surgeon, or Apothecary so resident or visiting at the Time of the passing of this Act from the Date of the passing thereof, and in the Case of any fresh Appointment of any such Physician, Surgeon, or Apothecary as aforesaid from the Date of such Appointment.

Penalty on infringing Terms of Licence.

17. If any Person empowered by Licence issued under the Lunacy Act, Chapter One hundred, to employ his House and Premises for the Reception of Lunatics receives into his House any Patients beyond the Number specified in his Licence, or fails to comply with the Regulations of his Licence in respect of the Sex of the Patients to be received, or the Class of Patients, whether private or not, to be received, he shall, in respect of each Patient received in contravention of his Licence, incur a Penalty not exceeding Fifty Pounds.

Extension of Powers to take Boarders in Houses.

18. It shall be lawful for the Proprietor or Superintendent of any Licensed House, with the previous Assent in Writing of Two or more of the Commissioners, or in the Case of a House licensed by Justices of Two or more of the Visitors, to entertain and keep in such House as a Boarder for such Time as may be specified in the Assent any Person who may have been within Five Years immediately preceding the giving of such Assent a Patient in any Asylum, Hospital, or Licensed House, or under Care as a single Patient.

Admission and Visitation of Patients.

Provision for sending Pauper

19. Whereas by the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven, it is amongst other things enacted as follows: "That

"That every Relieving Officer of any Parish within a Union or "under a Board of Guardians, and every Overseer of a Parish of "which there is no Relieving Officer, who shall have Knowledge either "by such Notice or otherwise that any Pauper resident in such Parish "is or is deemed to be a Lunatic and a proper Person to be sent to "an Asylum, shall within Three Days after obtaining such Knowledge "give Notice thereof to some Justice of the County or Borough "within which such Parish is situate:" Now be it enacted, That the said Section shall be construed as if the Words "and a proper "Person to be sent to an Asylum" had been omitted in the said recited Enactment.

Lunatics to Asylums.

20. No Person shall be detained in any Workhouse, being a Lunatic or alleged Lunatic, beyond the Period of Fourteen Days, unless in the Opinion, given in Writing, of the Medical Officer of the Union or Parish to which the Workhouse belongs such Person is a proper Person to be kept in a Workhouse, nor unless the Accommodation in the Workhouse is sufficient for his Reception, and any Person detained in a Workhouse in contravention of this Section shall be deemed to be a proper Person to be sent to an Asylum within the Meaning of Section Sixty-seven of the Lunacy Act, Chapter Ninety-seven; and in the event of any Person being detained in a Workhouse in contravention of this Section, the Medical Officer shall for all the Purposes of the Lunacy Act, Chapter Ninety-seven, be deemed to have Knowledge that a Pauper resident within his District is a Lunatic, and a proper Person to be sent to an Asylum, and it shall be his Duty to act accordingly, and further to sign such Certificate as is contained in Schedule F. to the said Act, No. 3, with a view to more certainly securing the Reception into an Asylum of such Pauper Lunatic as aforesaid.

Lunatics proper to be sent to Asylums.

21. The List of Lunatic Paupers required by Section Sixty-six of the Lunacy Act, Chapter Ninety-seven, to be made out by the Medical Officer, shall be in the Form in the Schedule marked B. hereto, and not in the Form required by the said Section, and shall, as respects such of the Lunatics therein mentioned as may be in any Workhouse, state whether, in the Opinion of the Medical Officer, the Workhouse is or not sufficient for the Accommodation of the Lunatics detained therein, and whether or not the Lunatics detained therein are proper Persons to be kept in a Workhouse.

Amendment of Form of List as respects Pauper Lunatics in Workhouses.

22. When a Person has been found lunatic by Inquisition an Order, signed by the Committee appointed by the Lord Chancellor, and having annexed thereto an Office Copy of the Order appointing such Committee, shall be a sufficient Authority for the Reception of such Person into any Asylum, Hospital, Licensed House, or other House,

Order for Reception and Medical Visitation of Persons found lunatic by Inquisition.

House, without any further Order or any such Medical Certificates as are required by Section Ninety of the Lunacy Act, Chapter One hundred, and Section Four and Eight of the Lunacy Act, Chapter Ninety-six, and the Provisions of the Section Ninety of the Lunacy Act, Chapter One hundred, as to the Visitation of every single Patient once in every Two Weeks by a Physician, Surgeon, or Apothecary, shall not apply to any Person found lunatic by Inquisition as aforesaid.

Persons signing Orders for Admission to have seen Patient within One Month.

23. No Order for the Reception of a Private Patient into any Asylum or Registered Hospital, licensed or other House, made in pursuance of the Lunacy Acts, Chapters Ninety-six and Ninety-seven, or either of them, shall authorize the Reception of such Patient after the Expiration of One Calendar Month from its Date, nor unless the Person subscribing such Order has himself seen the Patient within One Month prior to its Date, nor unless a Statement of the Time and Place when such Person last saw the Patient is added to such Order.

Certain Persons prohibited from signing Orders for Admission.

24. The following Persons shall be prohibited from signing any Certificate or Order for the Reception of any Private Patient into any licensed or other House:

First, Any Person receiving any Per-centage on or otherwise interested in the Payments to be made by or on account of any Patient received into a licensed or other House:

Second, Any Medical Attendant as defined by the Lunacy Act, Chapter One hundred.

Relative of Pauper to be named in Order of Admission.

25. Where an Order is made, in pursuance of the Lunacy Acts or any of them, for the Reception of any Private or Pauper Lunatic into any Asylum, Registered Hospital, or Licensed House, there shall be inserted in every such Order, wherever it be possible, the Name and Address of One or more of the Relations of the Lunatic; and in the event of his Death it shall be the Duty of the Clerk of such Asylum, the Superintendent of such Hospital, and the Proprietor or Superintendent of such Licensed House, to send by Post Notice of his Death in a prepaid Letter addressed to such Relation or One of such Relations.

Same Order and Certificates to justify Detention as Pauper of Private Patient.

26. The Order and Certificate required by Law for the Detention of a Patient as a Pauper shall extend to authorize his Detention, although it may afterwards appear that he is entitled to be classified as a Private Patient; and the Order and Certificates required by Law for the Detention of a Patient as a Private Patient shall authorize his Detention, although it may afterwards appear that he ought to be classified as a Pauper Patient.

27. Where

27. Where any Medical Certificate upon which a Patient has been received into any Asylum, Registered Hospital, licensed or other House, or either of such Certificates, is deemed by the Commissioners incorrect or defective, and the same are or is not duly amended to their Satisfaction within Fourteen Days after the Reception by the Superintendent or Proprietor of such Asylum, Registered Hospital, or licensed or other House of a Direction or Writing from the Commissioners requiring Amendment of the same, the Commissioners or any Two of them may, if they see fit, make an Order for the Patient's Discharge.

Provision as to defective Certificates.

28. The Documents required by the Lunacy Act, Chapter One hundred, Sections Fifty-two and Ninety, and the Lunacy Act, Chapter Ninety-seven, Section Eighty-nine, to be sent to the Commissioners in Lunacy, after Two clear Days, and before the Expiration of Seven clear Days from the Day on which any Private Patient has been received into any Licensed House, Registered Hospital, or Asylum, shall, with the Exception of the Statement now required to be subjoined to the Notice of Admission into any Asylum, Hospital, or Licensed House, be transmitted to the said Commissioners within One clear Day from the Day on which any Patient has been received into any such House, Hospital, or Asylum as aforesaid, and the said Sections shall, so far as relates to the said Documents, other than the said Statement, be construed as if the Words "One clear Day" were substituted therein for the Words "after Two clear Days, and "before the Expiration of Seven clear Days;" nevertheless the said excepted Statement shall be transmitted as heretofore, save that it shall be separate from the said Notice, and shall refer to the Order of Admission by the Date thereof, instead of referring to it as the above Notice, and the Words referring to the said Statement as being subjoined shall be omitted in the said Notice.

Transmission of Documents to Commissioners on Admission of Patient.

29. Every Licensed House may be visited at any Time, and, if situate within their immediate Jurisdiction, shall be visited Twice at least in every Year by any One or more of the Commissioners, in addition to the Visits now required to be made by Two at least of the Commissioners; and if not within the immediate Jurisdiction of the Commissioners, may be visited at any Time, and shall be visited twice at least in every Year by One or more of the Visitors, in addition to the Visits now required to be made by Two at least of the Visitors.

Visits by Commissioners.

Every Commissioner visiting alone shall have the same Powers as Two Commissioners would have under Section Sixty-one of the Lunacy Act, Chapter One hundred; and all the Provisions of the said Act contained in Sections Sixty-three, Sixty-four, Sixty-five, Sixty-

six,

six, and Sixty-seven shall apply to a Commissioner or Visitor visiting alone, as the Case may be, in the same Manner as they would apply under the said Act to Two or more Commissioners or Two or more Visitors visiting together.

Single Commissioner to visit Asylums and Gaols.

30. Any One or more of the Commissioners may at any Time visit every Asylum and Hospital for Lunatics, and every Gaol in which there may be, or alleged to be, any Lunatic, in addition to the Visits now required or empowered to be made by Two at least of the Commissioners, and every Commissioner so visiting alone shall have the same Powers as Two or more Commissioners would perform and have, in the Case of an Asylum or Gaol, in pursuance of the One hundred and tenth Section of the Lunacy Act, Chapter One hundred, and in the Case of a Hospital in pursuance of Section Sixty-one of the Lunacy Act, Chapter One hundred.

Power to remove Lunatic from Workhouse to Asylum.

31. Where upon the Visitation of any Workhouse by any Two or more of the Commissioners in Lunacy it appears to them that any Lunatic or alleged Lunatic therein is not a proper Person to be kept in a Workhouse, they may by an Order under their Hands direct such Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven: Provided always, that it shall be lawful for the Guardians of the Union or Parish to which any Workhouse belongs to appeal against such Order at any Time within One Calendar Month from the making thereof to Her Majesty's Principal Secretary of State for the Home Department, who shall thereupon exercise the Power given to him by Section One hundred and thirteen of the Lunacy Act, Chapter One hundred, save that he shall not appoint thereunder the Commissioners who made the Order appealed against, or either of them; and the Order in the Matter of the Secretary of State, made upon the Report of the special Visitation, shall be binding on all Parties concerned.

Removal of single Pauper Patients to Asylums.

32. Any Two or more of the Commissioners in Lunacy may visit any Pauper Lunatic or alleged Lunatic not in an Asylum, Hospital, Licensed House, or Workhouse, and may, if they think fit so to do, call to their Assistance a Physician, Surgeon, or Apothecary, and examine such Pauper; and if such Physician, Surgeon, or Apothecary sign a Certificate with respect to such Pauper, according to the Form in Schedule F. No. 3, annexed to the Lunacy Act, Chapter Ninety-seven, and the Commissioners are satisfied that such Pauper

Pauper is a Lunatic, and a proper Person to be taken charge of and detained under Care and Treatment, they may, by an Order under their Hands, direct such Lunatic or alleged Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven.

Effect of Order for Removal.

33. The Order made by any Two or more of the Commissioners in Lunacy in pursuance of this Act may authorize the Admission of a Lunatic not only into any Asylum of the County or Borough in which the Parish or Place from which the Lunatic is sent is situate, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also into any Asylum for any other County or Borough, or any Hospital registered or House licensed for the Reception of Lunatics, under the same Circumstances and subject to the same Conditions under which an Order of the Justice or Justices may authorize such Admission in pursuance of Section Seventy-two of the Lunacy Act, Chapter Ninety-seven.

Statement of Condition of Pauper Lunatics to be transmitted to Guardians.

34. The Superintendent of every Asylum shall, once at the least in each Half Year, transmit to the Guardians of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, a Statement of the Condition of every Pauper Lunatic chargeable to such Union or Parish.

Amendment of Sect. 64. of 8 & 9 Vict. c. 100.

35. The Inquiries authorized to be made under Section Sixty-four of the Lunacy Act, Chapter One hundred, or under Section Ninety-two of the same Act, and the Provisions amending the same, may include Inquiries as to the Monies paid to the Superintendent or Proprietor on account of any Lunatic under the Care of such Superintendent or Proprietor.

Copies of Entries of Commissioners and Visitors.

36. The Proprietor of every Licensed House within the Jurisdiction of Visitors appointed by Justices shall, within Three Days after a Visit by the Visiting Commissioners or Commissioner, transmit a true and perfect Copy of the Entries made by them or him in the Visitors Book, the Patients' Book, and the Medical Visitation Book, respectively, distinguishing the Entries in the several Books, to the Clerk of the Visitors as well as to the Commissioners, and the Copies so transmitted to the Clerk of the Visitors of all such Entries in the Visitors Book relating to any such Licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on

taking into consideration the Renewal of the Licence to the House to which such Entries relate; and every such Proprietor as aforesaid who shall omit to transmit as herein-before mentioned a true and perfect Copy of every or any such Entry as aforesaid shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

Visiting Committee to enter Observations in a Book respecting Dietary, Accommodation, &c. of Lunatics in Workhouses.

37. The Visiting Committee of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, shall once at the least in each Quarter of a Year enter in a Book to be provided and kept by the Master of the Workhouse such Observations as they may think fit to make respecting the Dietary, Accommodation, and Treatment of the Lunatics or alleged Lunatics for the Time being in the Workhouse of their Union or Parish, and the Book containing the Observations made in pursuance of this Section by the Visiting Guardians or Overseers shall be laid by the Master before the Commissioner or Commissioners on his or their next Visit.

Miscellaneous Clauses.

Patients may be permitted to be absent on Trial from Hospitals and Private Houses.

38. Section Eighty-six of the Lunacy Act, Chapter One hundred, and Section Seventeen of the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and five, shall extend to authorize the Proprietor or Superintendent of any Licensed House or Hospital, with such Consent, and to be given on such Approval as thereby required, to permit any Patient to be absent from such Hospital or House upon Trial for such Period as may be thought fit:

Two of the Commissioners, as regards any Hospital or any Licensed House, and Two of the Committee of Governors of any Hospital, and Two of the Visitors of any Licensed House, as regards any Licensed House within the Jurisdiction of Visitors, may of their own Authority permit any Pauper Patient therein to be absent from such Hospital or House upon Trial for such Period as they may think fit, and may make or order to be made an Allowance to such Pauper not exceeding what would be the Charge for him in such Hospital or House, which Allowance shall be charged for him and be payable as if he were actually in such Hospital or House, but shall be paid over to him, or for his Benefit, as the said Commissioners or Visitors may direct:

In case any Person so allowed to be absent on Trial for any Period do not return at the Expiration thereof, and a Medical Certificate as to his State of Mind certifying that his Detention as a Lunatic is no longer necessary be not sent to the Proprietor or Superintendent of such Licensed House or Hospital, he may at any Time within Fourteen Days after the Expiration of the same Period be retaken as in the Case of an Escape.

39. If any Officer or Servant in any Hospital or Licensed House through wilful Neglect or Connivance permits any Patient to escape from such Hospital or Licensed House, or secretes or abets or connives at the Escape of any Patient from such Hospital or Licensed House, he shall for every such Offence incur a Penalty not exceeding Twenty Pounds.

Penalty on Officer conniving at the Escape of Lunatics.

40. Every Letter written by a Private Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to the Commissioners in Lunacy or Committee, or in the Case of Houses within the Jurisdiction of Visitors to the Visitors or any of them, shall, unless special Regulations to the contrary have been given by such Commissioners or Visitors, be forwarded unopened.

Correspondence of Private Patients.

Every Letter written by a Private Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to any Person other than the Commissioners or Committee or Visitors or One of them, shall be forwarded to the Person to whom it is addressed, unless the Superintendent in the Case of an Asylum or Hospital, the Proprietor in the Case of a Licensed House, and the Person having the Charge of a single Patient in the Case of a single Patient, prohibit the forwarding of such Letter, by Endorsement to that Effect under his Hand on the Letter, in which Case he shall lay all Letters so endorsed before the Visiting Commissioners, Committee, or Visitors, as the Case may be, on their next Visit.

Any Superintendent, Proprietor, or Person in charge of a single Patient failing to comply with the Provisions of this Section as to laying any Letter before the Commissioners or Committee or Visitors that is not forwarded to the Address of the Person to whom it is directed, or being privy to the Detention by any other Person of any Letter detained in contravention of this Section, shall incur a Penalty not exceeding Twenty Pounds in respect of each Offence; and any Person detaining any Letter in contravention of this Section shall incur, in respect of each Letter so detained, a Penalty not exceeding Twenty Pounds.

41. Every Person having the Care or Charge of a single Patient shall in addition to the Notice required to be given by the Ninetieth Section of the Lunacy Act, Chapter One hundred, before the Expiration of Seven clear Days from the Day on which he has taken the Patient under his Care or Charge, transmit to the Commissioners a Statement of the Condition of the Patient, according to the Form in Schedule F. annexed to the said last-mentioned Act, such Statement to be signed by the Physician, Surgeon, or Apothecary visiting the Patient in pursuance of the Ninetieth Section of the Lunacy Act, Chapter One hundred.

Statement as to Condition of single Patients.

If

If any Person having the Care or Charge of a single Patient fails to transmit such Statement as aforesaid within such Time as is required by this Section he shall be guilty of a Misdemeanor.

Commissioners empowered to prescribe Forms, &c. of Medical Visitation Book.

42. In the Case of single Patients the Commissioners may from Time to Time make Regulations as to the Form of and the Particulars to be entered in the "Medical Visitation Book," required to be kept by the Ninetieth Section of the Lunacy Act, Chapter One hundred, and if the Person having the Care or Charge of a single Patient fails to comply with the Regulations so made he shall in respect of each Offence incur a Penalty not exceeding Five Pounds.

Discharge of a Private Patient.

43. If there be no Person capable or qualified, under Section Seventy-two or Section Seventy-three of the said Lunacy Act, Chapter One hundred, to direct the Discharge or Removal of any such Patient as therein mentioned from any Registered Hospital or Licensed House, the Commissioners may order the Discharge or Removal of such Patient, as they may think fit.

Report to Coroner of Death of single Patient.

44. The Superintendent of every Asylum, and every Person having the Care or Charge of a single Patient, shall, in the event of the Death of any Patient, transmit to the Coroner of the County or Borough the same Statement as is required by Law to be transmitted in the Case of the Death of any Patient in any Hospital or Licensed House, and if such Coroner, after receiving such Statement, thinks that any reasonable Suspicion attends the Cause and Circumstances of the Death of such Patient, he shall summon a Jury to inquire into the Circumstances of such Death.

Any Superintendent or Person in charge who makes default in complying with the Requisitions of this Section shall be guilty of a Misdemeanor.

Chargeability of Pauper Lunatics whose Settlements cannot be ascertained where found in certain Boroughs.

45. Section Fourteen of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and five, shall be repealed, and in lieu thereof be it enacted, Where any Pauper Lunatic is not settled in the Parish by which or at the Instance of some Officer or Officiating Clergyman of which he is sent to an Asylum, Registered Hospital, or Licensed House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, and such Lunatic is found in a Borough which has a separate Court of Sessions of the Peace, and is not liable, under the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, Section One hundred and seventeen, to the Payment of a Proportion of the Sums expended

expended out of the County Rate, or is found in any Borough which under the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, is exempted from Liability to contribute to the Payment of the Expenses incurred for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate, such Lunatic shall be adjudged to be chargeable to the Borough in which he is found; and it shall not be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer of any County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of such Lunatic.

All the Provisions in the Lunacy Act, Chapter Ninety-seven, as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Orders to be made for Payment of Expenses and other Monies in respect of such Lunatic, and for the Repayment thereof to the Treasurer of a County, shall extend to the Case of a Borough to which a Lunatic is made chargeable under this Section as if the said Provisions were re-enacted in this Act, and such Borough were therein mentioned or referred to instead of a County.

Amendment of 8 & 9 Vict. c. 100. s. 100. as to Power of administering Oaths.

46. Any Two or more Commissioners or Visitors, in exercise of the Powers given to them by the One hundredth Section of the Lunacy Act, Chapter One hundred, may, if they think fit, examine on Oath any Person appearing before them as a Witness, notwithstanding a Summons may not have been served on him in pursuance of the said Section.

Definition of Physician, Surgeon, or Apothecary.

47. The Term Physician, Surgeon, or Apothecary, wherever used in the Lunacy Acts, shall mean a Person registered under "The Medical Act," passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety.

Part of Sect. 132. of 16 & 17 Vict. c. 97. repealed.

48. So much of Section One hundred and thirty-two of the Lunacy Act, Chapter Ninety-seven, as enacts that in that Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall mean a County of a City or County of a Town, shall, except with respect to the City of *London*, be repealed, and all the Provisions of the said Act and of the Acts amending the same shall be read and construed accordingly.

SCHEDULE A.

Form of Licence.

Know all Men, That we, the undersigned Justices of the Peace, acting in and for in General [*or* Quarter *or* Special] Sessions assembled, do hereby certify that *A.B.* of in the Parish of in the County of hath delivered to the Clerk of the Peace a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate at in the County of and which has not been previously licensed for that Purpose, and hath applied to us for a Licence thereof: And whereas the Particulars of the said Application have been transmitted to the Commissioners in Lunacy, and their Report in reference to the said Application has been received, and has been taken into consideration by us; and we, having considered and approved the Application, do hereby authorize and empower the said *A.B.* (he intending *or* not intending to reside therein) to use and employ the said House and Premises for the Reception of Male [*or* Female, *or* Male and Female] Lunatics, of whom not more than shall be Private Patients, for the Space of Calendar Months from this Date.

Given under our Hand and Seals, this Day of in the Year of our Lord One thousand eight hundred and

Witness, *Y.Z., Clerk of the Peace.*

SCHE-

SCHEDULE B.

County of
Union [*or* Parish of]
District of

QUARTERLY LIST of LUNATIC PAUPERS within the District of the Union of [*or* the Parish of], in the County or Borough of , not in any Asylum, Registered Hospital, or Licensed House.

Name.	Sex.	Age.	Form of Mental Disorder.	Duration of present Attack of Insanity, and if idiotic, whether or not from Birth.	Resident in Workhouse.	Non-Resident in Workhouse, where and with whom resident.	Date of Visit.	In what Condition, and, if ever restrained, why, and by what Means, and how often.

I declare that I have personally examined the several Persons whose Names are specified in the above List on the Days set opposite their Names; and I certify, firstly, with respect to those appearing by the above List to be in the Workhouse, that the Accommodation in the Workhouse is sufficient for their Reception, and that they are all [*or* all except *A.B.* and *C.D.*] proper Patients to be kept in the Workhouse; and, secondly, with respect to those appearing by the above List to be resident elsewhere than in the Workhouse, that they are all [*or* all except *A.B.* and *C.D.*] properly taken care of, and may properly remain out of an Asylum.

I declare that the Persons in the above List are to the best of my Knowledge the only Pauper Lunatics in the District of the Union of [*or* in the Parish of] who are not in an Asylum, Registered Hospital, or duly Licensed House.

(Signed) *A.B.*,
Medical Officer of the District
of the Union [*or* Parish] of

Dated the Day of One thousand eight hundred and

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under any Order of the Court of Chancery, to exclude any Jurisdiction which might otherwise be exercised by the Charity Commissioners.

Leasing, Disposal, or Improvement of any Property, by or under the Order or with the Approval of the Court of Chancery, shall (in the Absence of any express Direction to the contrary, to be contained in any future Act of Parliament, Order, or Decree,) exclude or impair any Jurisdiction or Authority which might otherwise be properly exercised for the like Purposes by the Charity Commissioners for *England* and *Wales*.

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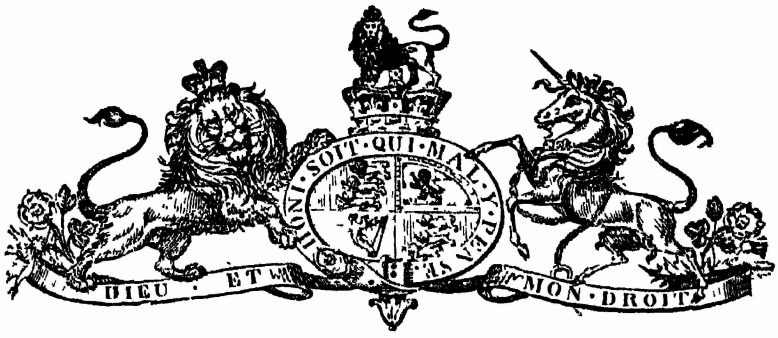

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CAP. CXIII.

An Act to amend the Law relating to the Removal of poor Persons from *England* to *Scotland*, and from *Scotland* to *England* and *Ireland*.

[7th *August* 1862.]

WHEREAS it is expedient that better Means should be provided for the safe Conveyance to the Place of their Destination in *England*, *Ireland*, or *Scotland* of poor Persons who may be removed in pursuance of the Acts passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Eighty-three, and Chapter One hundred and seventeen, and in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Thirty-three: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Warrant of Removal to Scotland to be signed by Two Justices or a Magistrate, and to England or Ire-

1. No Application for a Warrant ordering the Removal from any Place in *England* to *Scotland*, or in *Scotland* to *England* or *Ireland*, of any poor Person who shall have become chargeable in such Place shall be heard and determined in *England*, except by Two or more Justices in Petty Sessions assembled, or by a Stipendiary Magistrate or Metropolitan Police Magistrate sitting in his Court; and in

land by the Sheriff or Two Justices.

Scotland, except by the Sheriff or any Two Justices of the Peace of the County in which the Parish is situated to which such poor Person may have become chargeable, which Justices or Magistrate, and Sheriff or Justices (as the Case may be) shall see such poor Person, or the Person who is the Head of the Family proposed to be removed, and shall be satisfied that every Person who is proposed to be removed by the Warrant is in such a State of Health as not to be liable to suffer bodily or mental Injury by the Removal.

Warrant to contain Name and Age of every Person to be removed, and other Particulars.

2. Such Warrant of Removal shall be granted in *England* only on the Application of the Relieving Officer, or other Officer of the Guardians of the Union or Parish, and in *Scotland* only on the Application of the Inspector of the Poor of the Parish or Combination, or other Officer appointed by the Parochial Board of such Parish or Combination, where such poor Person shall have become chargeable, and shall contain the Name and reputed Age of every Person ordered to be removed by virtue of the same, and the Name of the Place in *Scotland* or *England* or *Ireland*, (as the Case may be) where the Justices or Magistrate, or Sheriff or Justices, shall find such Person to have been born, or to have last resided for the Space of Five Years in the Case of a poor Person to be removed to *Scotland*, and Three Years in the Case of a poor Person to be removed to *England* or *Ireland*, and a Statement of such Examination having been made as to the State of Health of every Person ordered to be removed as aforesaid; and such Warrant shall be addressed to the Party applying for the same, and in the Case of a Removal to *Scotland*, to the Parochial Board or Inspector of the Poor of the Parish or Combination to which such poor Person is to be removed, and in the Case of a Removal to *England* or *Ireland* (as the Case may be), to the Guardians of the Union or Parish to which such Person is to be removed, and a Copy shall be given by and at the Cost of the Person applying for such Warrant to the Person or the Head of the Family about to be removed by virtue of it: Provided that in the Case of any Native of *England*, *Ireland*, or *Scotland* where the Justices or Magistrate, or Sheriff or Justices, (as the Case may be,) shall not be able to ascertain, upon the Evidence before them, the Place of Birth or of such continued Residence as aforesaid, they shall order the Pauper to be removed to the Port or Union or Parish in *England* or *Ireland* (as the Case may be), or Port or Parish in *Scotland*, which shall, in the Judgment of such Justices or Magistrate, or Sheriff or Justices, (as the Case may be,) under the Circumstances of the Case be most expedient.

Proviso.

Copy of Warrant to be sent to Parochial

3. The Person obtaining the Warrant shall, at least Twelve Hours before the Removal, send a Copy of it by Post to the Inspector of the Poor of the Parish or Combination in *Scotland*, and to

to the Clerk of the Board of Guardians of the Union or Parish in *England* or *Ireland* (as the Case may be), to which such poor Person shall be ordered to be removed, and also a Copy of the Depositions taken in the Case, if the same shall, at any Time within Three Months from the Date of the Warrant, be required by any such Board of Guardians or Parochial Board.

Board, or Clerks of Guardians of Union, or Parish to which Removal is to be made.

4. Such Warrant shall order the Removal of the poor Person to be made to the Place mentioned therein as aforesaid, and shall order the Persons charged with the Execution thereof to cause such poor Person with his Family (if any) to be safely conveyed to such Place in *England*, *Ireland*, or *Scotland* (as the Case may be), to be delivered, in the Case of a Removal to *Scotland*, to the Inspector of the Poor of the Parish or Combination, and in the Case of a Removal to *England* or *Ireland* at the Workhouse of such Place or of the Union or Parish containing the Port or Place nearest to the Place mentioned in the Warrant as the Place of the Pauper's ultimate Destination.

Warrants shall order poor Persons to be conveyed to the Place mentioned in the Warrant.

5. The Master of the Workhouse of the Union or Parish in *England* or *Ireland*, and the Inspector of the Poor of the Parish or Combination in *Scotland*, to which (as the Case may be) such Warrant is addressed, shall be bound to receive Delivery of the poor Person named in such Warrant, under a Penalty of Ten Pounds for each Case of Refusal, which Penalty may be recovered by the Person applying for such Warrant by an Action in any County Court in *England*, or Court of Quarter Sessions in *Ireland*, or Sheriff Court in *Scotland*, or other competent Court having Jurisdiction in the Place where such Master or Inspector is resident at the Time when such Action is brought.

Relieving Officers and Inspectors of Poor to receive poor Persons named in Warrant under Penalty of 10*l.*

6. If by reason of Default of the Guardians, Inspector of the Poor, or other Person having charge of such Warrant, or otherwise, the poor Person named therein shall not be removed to the Place of ultimate Destination, the Guardians of the Union or Parish in *England* or *Ireland*, or Parochial Board of the Parish or Combination in *Scotland*, (as the Case may be,) to which he has been removed, may, if they think fit, cause the Pauper to be removed forthwith to the Place mentioned in the Warrant, and shall be entitled to be reimbursed the Costs incurred in such Removal by the Guardians or Parochial Board (as the Case may be), or other Person on whose Application the Warrant was obtained, such Costs being the actual Expense incurred in and about the Conveyance and Maintenance of each Person so removed, which Costs may, if not paid on Demand, be recovered by an Action in any County Court in *England* or *Ireland*, or Sheriff Court in *Scotland*, or other competent Court having Jurisdiction in the Place from whence the Removal shall have taken place.

Parochial Boards and Guardians may forward the Pauper to the Place of Destination and recover the Costs.

7. It

Poor Removal.

Women and Children not to be removed as Deck Passengers during the Winter.

7. It shall be unlawful to remove any Woman, or any Child under the Age of Fourteen, as a Deck Passenger in any Vessel from *England* to *Scotland*, or from *Scotland* to *England* or *Ireland*, during the Period from the First of *October* to the Thirty-first of *March* following, and no Regulation of any Sheriff, Magistrate, or Justices authorizing such Removal shall be henceforth legal.

Part of Sect. 77. of 8 & 9 Vict. c. 83. repealed.

8. Section Seventy-seven of the Act Eighth and Ninth *Victoria*, Chapter Eighty-three, in so far as inconsistent with the Provisions of this Act, is hereby repealed.

Construction of this Act.

9. Except so far as this Act shall alter the Provisions of the said Acts, this Act shall be construed as Part of the same.

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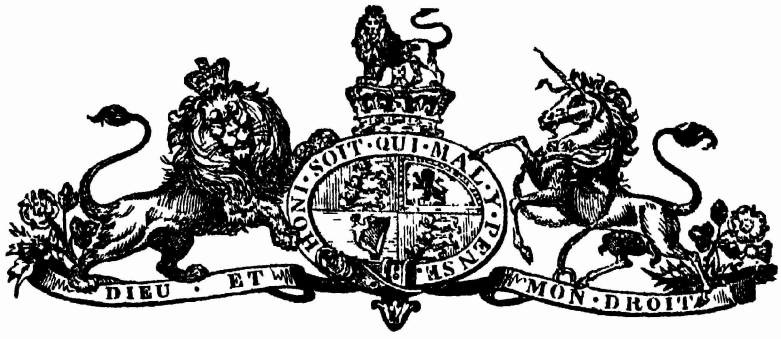

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without Warrant, in certain Cases.

Highway, Street, or public Place, to search any Person whom he may have good Cause to suspect of coming from any Land where he shall have been unlawfully in search or pursuit of Game, or any Person aiding or abetting such Person, and having in his Possession any Game unlawfully obtained, or any Gun, Part of Gun, or Nets or Engines used for the killing or taking Game, and also to stop and search any Cart or other Conveyance in or upon which such Constable or Peace Officer shall have good Cause to suspect that any such Game or any such Article or Thing is being carried by any such Person, and should there be found any Game or any such Article or Thing as aforesaid upon such Person, Cart or other Conveyance, to seize and detain such Game, Article, or Thing; and such Constable or Peace Officer shall in such Case apply to some Justice of the Peace for a Summons citing such Person to appear before Two Justices of the Peace assembled in Petty Sessions, as provided in the Eighteenth and Nineteenth of Her present Majesty, Chapter One hundred and twenty-six, Section Nine, as far as regards *England* and *Ireland*, and before a Sheriff or any Two Justices of the Peace in *Scotland*; and if such Person shall have obtained such Game by unlawfully going on any Land in search or pursuit of Game, or shall have used any such Article or Thing as aforesaid for unlawfully killing or taking Game, or shall have been accessory thereto, such Person shall, on being convicted thereof, forfeit and pay any Sum not exceeding Five Pounds, and shall forfeit such Game, Guns, Parts of Guns, Nets, and Engines, and the Justices shall direct the same to be sold or destroyed, and the Proceeds of such Sale, with the Amount of the Penalty, to be paid to the Treasurer of the County or Borough where the Conviction takes place; and no Person who, by Direction of a Justice in Writing, shall sell any Game so seized shall be liable to any Penalty for such Sale; and if no Conviction takes place, the Game or any such Article or Thing as aforesaid, or the Value thereof, shall be restored to the Person from whom it had been seized.

Recovery of Penalties.

3. Any Penalty under this Act shall be recovered and enforced in *England* in the same Manner as Penalties under the Act First and Second *William* the Fourth, Chapter Thirty-two, and in *Scotland* under the Act Second and Third *William* the Fourth, Chapter Sixty-eight, and in *Ireland* under the Petty Sessions, *Ireland*, Act, 1851, when not otherwise directed in this Act.

Provisions of 11 & 12 Vict. c. 43. extended to this Act.

4. The Powers and Provisions of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, shall extend and apply to this Act, and to all Proceedings, Matters, and Things

Things to be taken, had and done, and to all Persons to be proceeded against or taking Proceedings under this Act.

5. No Conviction or Order made under this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

No Conviction shall be quashed for Want of Form or removed by Certiorari.

6. Any Person who shall think himself aggrieved by any such summary Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, Division, or Borough wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall, within Three Days, enter into a Recognizance, or Bond of Caution in *Scotland*, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and the Court at such Sessions shall hear and determine the Matter of Appeal, and shall make such Order therein, with or without Costs, to either Party, as to the Court shall seem fit, and shall, if necessary, issue Process for enforcing such Judgment.

Power of Appeal.

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